FEDERAL REGISTER

VOLUME 18 NUMBER 249

Washington, Wednesday, December 23, 1953

TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

PART 61—COTTONSEED SOLD OR OFFERED FOR SALE FOR CRUSHING PURPOSES (INSPECTION, SAMPLING, AND CERTIFICATION)

REVISION OF FEES FOR REVIEW GRADING OF COTTONSEED

On November 6, 1953, a notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 7014) regarding the amendment of § 61.46 of the regulations governing cottonseed sold or offered for sale for crushing purposes (7 CFR Part 61) to increase the fees for the review of the grading of any lot of cottonseed. Under the amendment, the fee for the review of the grading of any lot of cottonseed would be increased from $6.00 to $9.00. Of each such fee collected, $1.00 would be covered into the Treasury of the United States and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of the seed. This change is made because the operating expenses of licensed chemists in connection with the performance of their duties incident to review gradings have increased substantially since June 1943, the effective date of the $6.00 fee.

After consideration of all relevant matters presented, including the proposal set forth in said notice, § 61.46 is hereby amended to read as follows, pursuant to authority contained in the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953).

§ 61.46 *Fees for review of grading of cottonseed.* For the review of the grading of any lot of cottonseed, the fee shall be $9.00. Remittance to cover such fee, in the form of a certified check, draft, or money order payable to the Treasurer of the United States, shall accompany each application for review. Of each such fee collected, $1.00 shall be covered into the Treasury and $4.00 disbursed to each of the two licensed chemists designated to make reanalyses of such seed.

(Pub. Law 156, 83d Cong.)

Done at Washington, D. C., this 18th day of December 1953, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] ROY W LENNARTSON, *Assistant Administrator.*

[F. R. Doc. 53-10641; Filed, Dec. 22, 1953; 8:51 a. m.]

Chapter XI—Agricultural Conservation Program, Department of Agriculture

PART 1102—AGRICULTURAL CONSERVATION; PUERTO RICO

SUBPART—1954

Foreword. Productive land is the main source of the food, clothing, and shelter for the American people. The conservation and improvement of this resource for sustained, productive use is an undertaking of vital concern to citizens of all walks of life.

The Agricultural Conservation Program is an important part, but only a part, of a coordinated effort to help landowners and operators attain soil conservation objectives. The total effort includes research, education, technical assistance, cost-sharing, and such indirect aids as credit.

The fundamental purpose of the Agricultural Conservation Program is to provide a means by which the public can share with landowners and operators the cost of carrying out needed conservation work over and above that which they would do with only their own resources. It is our sincere hope that the Agricultural Conservation Program will be carried out in such a manner that it will make a marked contribution toward attainment of conservation objectives.

General program principles. The 1954 Agricultural Conservation Program for Puerto Rico has been developed and is to be carried out on the basis of the following general principles:

(Continued on p. 8629)

CONTENTS

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended August 5, 1953.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

There are no restrictions on the republication of material appearing in the FEDERAL REGISTER.

CONTENTS—Continued

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

1. The program is confined to the conservation practices on which Federal cost-sharing is most needed in order to achieve the maximum conservation benefit.

2. The program is designed to encourage those conservation practices which provide the most enduring conservation benefits practicably attainable in 1954 on the lands where they are to be applied.

3. Costs will be shared with a farmer only on satisfactorily performed conservation practices for which Federal cost-sharing was requested by the farmer before the conservation work was begun.

4. Costs should be shared only on practices which it is believed farmers would not carry out to the needed extent without program assistance. Generally, practices that have become a part of regular farming operations on a particular farm should not be eligible for cost-sharing.

5. The rates of cost-sharing are the minimum required to result in substantially increased performance of needed practices.

6. The purpose of the program is to help achieve additional conservation on the land. Such of the available funds that cannot be wisely utilized for this purpose will be returned to the public treasury.

7. If the Federal Government shares the cost of the initial application of conservation practices which farmers otherwise would not perform but which are essential to the national interest, the farmers should assume responsibility for the upkeep and maintenance of those practices.

INTRODUCTION

AUTHORITY: §§ 1102.400 to 1102.473 issued under sec. 4, 49 Stat. 164; 16 U. S. C. 590d. Interpret or apply secs. 7–17, 49 Stat. 1148, as amended; Pub. Law 156, 83d Cong.; 16 U. S. C. 590g–590q.

INTRODUCTION

§ 1102.400 *Introduction.* Through the 1954 Agricultural Conservation Program for Puerto Rico (referred to in this subpart as the 1954 program), administered by the Department of Agriculture, the Federal Government will share with farmers of Puerto Rico the cost of carrying out approved conservation practices in acordance with the provisions contained in this subpart and such modifications thereof as may hereafter be made. Approved practices will be deemed to have been carried out during the program year if started after the beginning of the program year and the ASC State Office determines that they were substantially completed by the end of the program year. However, no practice will be eligible for Federal cost-sharing until it has been completed in accordance with all applicable specifications and program provisions. The 1954 program was developed by the ASC State Office, the Director of the Soil Conservation Service for the Caribbean Area, the Forest Serv-

ice official having jurisdiction of farm forestry in Puerto Rico, the Director of the Agricultural Extension Service, and representatives of the Department of Agriculture and Commerce of the Commonwealth of Puerto Rico.

CONTROL OF FUNDS

§ 1102.401 *Maximum Federal cost-share.* The maximum Federal cost-share for a farm shall be equal to the total of the cost-shares for all practices approved for the farm and carried out in accordance with the specifications for such practices.

§ 1102.402 *Adjustments.* If the total estimated earnings under the program exceed the total funds available, the Federal cost-shares will be reduced equitably, except that cost-sharing will be allowed in full for fertilizer furnished under purchase orders for carrying out the practices contained in §§ 1102.421 and 1102.424.

§ 1102.403 *Allocation.* The amount of funds available for conservation practices under this program is $633,000. This amount does not include the amount set aside for administrative expenses and the amount required for increases in small Federal cost-shares in § 1102.432.

SELECTION OF PRACTICES AND RESPONSIBILITY FOR TECHNICAL PHASES

§ 1102.406 *Selection of practices.* (a) This subpart contains a general description of the conservation practices in the 1954 program, the applicable specifications, and the rates of Federal cost-sharing for each practice. The practices included in this subpart are those for which the ASC State Office, the Soil Conservation Service, and the Forest Service agree that the bearing by the Federal Government of a share of the cost is essential to permit accomplishment of needed conservation work which would not otherwise be carried out in the desired volume.

(b) Each farm operator shall be given an opportunity to request that the Federal Government share in the cost of these practices on which he considers he needs such assistance in order to permit their performance in adequate volume on his farm. Costs will be shared only for those practices for which cost-sharing is requested before performance of the practice is started. Any person who wishes to participate in the 1954 program must file a Cert. Form No. 39–54–P R., Declaration of Intention, Request for Inspection and Certification of Conservation Needs, on or before September 15, 1954. In cases of hardship, such date may be extended by the ASC State Office. These forms may be obtained and filed at any of the ASC district offices, offices of the Soil Conservation Service (SCS) offices of the Extension Service and Farmers Home Administration. Prior approval of the ASC State Office is required for the practices contained in §§ 1102.411–1102.423 Such approval shall be conditioned upon carrying out the practices under the supervision of persons who have been designated to be responsible for the practices and must be obtained before performance of the practices is started unless otherwise approved by the ASC State Office.

§ 1102.407 *Responsibility for technical phases.* (a) The Soil Conservation Service is responsible for the technical phases of the practices contained in §§ 1102.411–1102.416, 1102.420, and 1102.422. This responsibility shall include (1) a finding that the practice is needed and practical on the farm, (2) necessary site selection, other preliminary work, and layout work of the practice, (3) necessary supervision of the installation, and (4) certification of performance (or application of the practice to the land)

(b) The Forest Service is responsible for the technical phases of the practice contained in § 1102.419. This responsibility shall include (1) providing necessary specialized technical assistance, (2) development of specifications for the practice, and (3) working through the ASC State Office, determining compliance in meeting these specifications.

CONSERVATION PRACTICES AND MAXIMUM RATES OF COST-SHARING

§ 1102.411 *Practice 1. Establishing water disposal areas to dispose of excess water without causing erosion, by constructing protected outlet channels or establishing permanent grasses or legumes in either natural waterways or in other predetermined locations for carrying runoff water from ditches or terrace systems.* Either type of outlet must be vegetated with the sod-forming grasses listed in § 1102.416 (practice 6) prior to use with companion practices, such as terraces or hillside and/or diversion ditches. When natural waterways are not used, the constructed channels shall be of sufficient size to carry all runoff water at nonscouring velocity from the fields. The cross section of the constructed channel shall not average less than 3.5 square feet.

Maximum Federal cost-share. (1) $0.75 per 1,000 square feet when established by shaping and seeding.

(2) $3.25 per 1,000 square feet when established by shaping and sodding.

(3) $0.12 per cubic yard of earth moved when a channel is constructed and vegetation established.

§ 1102.412 *Practice 2: Constructing continuous terraces to detain or control the flow of water and check erosion on sloping land.* In order to qualify for Federal cost-sharing, a channel or Nicholas type terrace shall be constructed on land having a slope of from 2 to 12 percent. The water-carrying cross-sectional area of the channel after settling may vary from 6 square feet on land of 12 percent slope to 8 square feet on land of 2 percent slope. Necessary outlets or waterways, in accordance with the specifications in § 1102.411 (practice 1) must be provided before the terraces are constructed. The vertical distance between terraces on the various slopes shall be as follows:

Average slope of land in feet per 100 feet:	*Vertical spacing between terraces*
1	1 foot 0 inch
2	2 feet 0 inch
3	2 feet 6 inches
4	3 feet 0 inch
5	3 feet 6 inches
6	4 feet 0 inch
7	4 feet 4 inches
8	4 feet 8 inches
9	5 feet 0 inch
10	5 feet 4 inches
11	5 feet 8 inches
12	6 feet 0 inch

Maximum Federal cost-share. $1.25 per 100 linear feet.

§ 1102.413 *Practice 3: Establishing field diversion ditches to intercept runoff and divert excess water to protected outlets, on land of 10 percent or more slope in coffee groves or planted to intertilled crops, except sugarcane, or for the protection of cultivated fields against the inflow of runoff water from uncultivated areas.* In order to qualify for Federal cost-sharing, field diversion ditches must be constructed in those locations adjacent to lands having a slope of 10 percent or more to prevent the overflow of runoff water from uncultivated areas into the land to be protected. The field diversion ditch shall be of sufficient size and so designed as to carry all runoff water at nonscouring velocity. No Federal cost-sharing will be allowed for this practice unless water disposal areas, constructed in accordance with the specifications in § 1102.411 (practice 1), have been provided.

Maximum Federal cost-share. $0.12 per cubic yard of earth moved.

§ 1102.414 *Practice 4. Constructing or enlarging permanent open farm drainage systems to dispose of excess water* Federal cost-sharing will be allowed for the construction or enlargement of permanent open farm drainage systems. Ditches must be provided with adequate outlets and so constructed as to provide an effective drainage for the area to be drained. No Federal cost-sharing will be allowed for permanent open farm drainage ditches constructed on sugarcane land, except where such drainage is carried out as a community undertaking under a pooling agreement approved by the ASC State Office. No Federal cost-sharing will be allowed for cleaning or maintaining a ditch or for structures installed for crossings or other structures primarily for the convenience of the farm operator.

Maximum Federal cost-share. $0.12 per cubic yard of earth moved.

§ 1102.415 *Practice 5. Establishing an adequate system of hillside ditches to intercept runoff and divert excess water to protected outlets on land of 12 percent up to 45 percent slope planted in intertilled crops, except sugarcane, and in orchards.* The vertical interval between the ditches must not exceed 9 feet. The grade and cross section of the ditch must be such as to carry all water at a nonscouring velocity. The minimum cross section of the ditch shall be 12 inches wide and 12 inches deep, with a side slope of 1:1 on the lower side of the ditch. Necessary outlets or waterways, in accordance with the specifications in § 1102.411 (practice 1), must be provided before the hillside ditches are constructed. No Federal cost-sharing will

be allowed for cleaning or maintaining a ditch.

Maximum Federal cost-share. $0.70 per 100 linear feet.

§ 1102.416 *Practice 6: Constructing ditches with either rock or vegetative barrier protection to intercept runoff or divert excess water to protected outlets on land having a slope of from 12 to 45 percent planted to intertilled crops, except sugarcane, and in orchards.* (a) Federal cost-sharing will be allowed when the ditches and barriers are constructed and planted in accordance with the following specifications:

(1) The vertical interval between the ditches must not exceed 9 feet.

(2) The grade and cross section of the ditch must be such as to carry all water at a nonscouring velocity.

(3) Necessary outlets or waterways, in accordance with the specifications in § 1102.411 (practice 1) must be provided before the hillside ditches are constructed.

(4) The barrier must be placed at least 6 inches above the upper edge of the ditch.

(5) Any of the following varieties of grasses may be used:

(i) Tall stiff-stemmed grasses: Elephant, Merker, Guatemala, Guinea, Patchouli.

(ii) Sod-forming grasses: Bersuda, St. Augustine, Sour Paspalum, Carpet.

(iii) Any other adapted grasses or legumes approved by the ASC State Office which, when planted singly or in combination, will act as a barrier.

(b) The minimum cross section of the ditch shall be 12 inches wide and 12 inches deep, with a slope of 1.1 on the lower side of the ditch.

(c) No Federal cost-sharing will be allowed for cleaning or maintaining a ditch.

Maximum Federal cost-share. $1 per 100 linear feet.

§ 1102.417 *Practice 7: Initial establishment of contour stripcropping on nonterraced land to protect soil from water erosion by planting alternate strips of clean-tilled crops and noncultivated grasses or legumes which will prevent soil washing.* Contour lines must be established and all cultural operations performed as nearly as practicable on the contour. The spacing and width of the strips must be in accordance with the recommendations of the Soil Conservation Service. No Federal cost-sharing will be allowed under this practice on the same area on which cost-sharing was given for stripcropping under previous programs.

Maximum Federal cost-share. $3 per acre.

§ 1102.418 *Practice 8: Planting fruit trees on farmland for erosion control in gullies.* Trees must be planted on the contour and protected from fire and grazing. Federal cost-sharing will be allowed for not more than 200 fruit trees planted on a farm. A permanent cover of grass, legumes, or mulch must be maintained under the trees.

Maximum Federal cost-share. $0.10 per tree.

§ 1102.419 *Practice 9: Planting adapted trees or shrubs on farmland for erosion control, watershed protection, or forestry purposes.* All plantings must be protected from fire and grazing.

Maximum Federal cost-share. $2 per 100 trees or shrubs.

§ 1102.420 *Practice 10: Constructing, enlarging, or sealing dams, pits, or ponds for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* No Federal cost-sharing will be allowed for cleaning or maintaining an existing structure, or for repairs or maintenance of a dam, pond, or pit. Ponds or pits for livestock water may be approved only when needed to obtain proper distribution of livestock and prevent overgrazing.

Maximum Federal cost-share. (1) $0.12 per cubic yard of earth moved in the construction of an earth dam.

(2) $10 per cubic yard of concrete used in the construction of a dam or in lining any part of an excavated pond or pit when the permeability of the soil makes such lining desirable.

(3) $0.12 per cubic yard of earth moved in the excavation of a pond or pit.

§ 1102.421 *Practice 11. Initial establishment of improved permanent pasture for erosion control by seeding, sodding, or sprigging perennial legumes or self-reseeding annuals or perennial grasses or a mixture of legumes and perennial grasses or other approved forage plants.* (a) The varieties of grasses or legumes planted must be well adapted to the conditions of the particular area planted. Plantings of tropical kudzu must be carried out on not less than one-half acre to qualify for cost-sharing.

(b) The land must be properly prepared by plowing, and harrowing if necessary, and furrowing on contour lines, and sufficient clump divisions, sprigs, cuttings, or seeds must be used to secure a good ground cover at maturity.

(c) When the pasture is established by using seed, the rates of seeding should not be less than 12 pounds per acre, except for tropical kudzu where the rate of seeding should be not less than 5 pounds per acre. When pasture is established by using slips or cuttings, the distance between the rows must not be more than 3 feet. On land of 2 percent or more slope, the planting and all cultivating must be as near as practicable along contour lines.

(d) Fertilizer must be applied to plantings established under rate of cost-sharing (1), in the minimum amounts determined by soil test or experience in the area to be essential to the successful establishment of the vegetative cover, and cost-sharing will be limited to the minimum amounts so determined. Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in § 1102.424 (practice 14)), properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(e) Federal cost-sharing for carrying out this practice is limited to farms located within "Zone 1," comprising the municipalities of Aibonito, Barranquitas, Coamo, Comerio, and Orocovis. No Federal cost-sharing will be allowed for any operation for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. (1) $12 per acre for planting Malojilla, Malojillo, molasses grass, elephant grass, Merker grass, Roselawn St. Augustine, Guinea grass, Pangola, Guatemala grass, tropical kudzu, or similar approved grasses or legumes (except where 40 percent or more of the area is planted in tropical kudzu).

(2) $15 per acre for planting tropical kudzu as such or in combination with any approved grasses, where at least 40 percent of the area is planted in tropical kudzu.

(3) $0.10 per pound of nitrogen (N) applied, not to exceed 100 pounds per acre.

(4) $0.07 per pound of available phosphate (P_2O_5) applied, not to exceed 120 pounds per acre.

§ 1102.422 *Practice 12: Initial improvement of established permanent pastures of the varieties referred to in § 1102.421 (practice 11), by planting strips of tropical kudzu or other legumes approved by the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico and the ASC State Office for soil or watershed protection.* The legumes must occupy at least 40 percent of the total area planted. On land of 2 percent or more slope, the strips should follow as near as practicable along contour lines. The rate of cost-sharing applies to the total area occupied by the tropical kudzu or approved legumes and the established pasture. The planting of tropical kudzu or other approved legumes must be carried out on not less than one-half acre to qualify for cost-sharing. No Federal cost-sharing will be allowed under this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program. Federal cost-sharing for carrying out this practice is limited to farms located within "Zone 1," comprising the municipalities of Aibonito, Barranquitas, Coamo, Comerio, and Orocovis.

Maximum Federal cost-share. $10 per acre.

§ 1102.423 *Practice 13: Constructing wells for livestock water to obtain proper distribution of livestock and encourage rotation grazing and better grassland management as a means of protecting established vegetative cover.* The wells should be drilled in an area of the farm where the providing of water will contribute to a better distribution of grazing. The necessary pumping equipment must be installed, except in connection with artesian wells. Adequate drinking troughs for animals must be installed. No Federal cost-sharing will be allowed for wells drilled at or for the use of farm headquarters or unless water is obtained. No Federal cost-sharing will be allowed if the Commonwealth Government of Puerto Rico shares in the cost under any other program. Federal cost-sharing for carrying out this practice is limited to farms located within "Zone 1," comprising the municipalities of Aibonito, Bar-

ranquitas, Coamo, Comerio, and Orocovis.

Maximum Federal cost-share. (1) $1 per linear foot of well for wells having a bore taking a casing of less than 4 inches in diameter, and artesian wells.

(2) $2 per linear foot of well for wells having a bore taking a casing of 4 inches or more, but less than 6 inches, in diameter, excluding artesian wells.

(3) $3 per linear foot of well for wells having a bore taking a casing of 6 inches or more in diameter, excluding artesian wells.

§ 1102.424 *Practice 14. Improving the woodland protection which coffee groves provide for steep slopes, by applying to coffee trees, on land terraced or covered with catch pits under the 1954 Agricultural Conservation Program or in previous years, fertilizer of grades containing not less than 10 units of available N and not less than 10 units of available P_2O_5.* (a) When the fertilizer applied on any farm does not meet such minimum requirements, lower grades may be accepted if recommended and approved by the Advisory Committee for the respective community after proper investigation, and if approved by the ASC State Office.

(1) The maximum number of pounds of coffee fertilizer for which Federal cost-sharing will be allowed shall be the product of (i) 600 and (ii) the actual number of acres terraced (or covered with catch pits) as of the end of the 1954 program year, not in excess of the greater of 30 percent of the coffee bearing acres on the farm or 10 acres.

(2) To qualify for Federal cost-sharing, the coffee trees on the area where the fertilizer is applied must have been properly thinned, the forest litter properly maintained, and old or nonproductive coffee trees removed; all in accordance with specifications approved by the ASC State Office.

(3) No Federal cost-sharing will be allowed under this practice for the application of fertilizer for which the Commonwealth Government of Puerto Rico shares in the cost under any other program.

(4) Receipts or invoices showing the purchase and analysis of fertilizer applied (except for fertilizer furnished through the Agricultural Conservation Program as provided in paragraphs (b) through (f) of this section) properly dated and signed by the vendor, should be retained for presentation to the farm inspector at the time of inspection.

(b) In order to facilitate the financing of the purchase of fertilizer for §§ 1102.421 and 1102.424 (practices 11 and 14) the fertilizer may be furnished on purchase orders to persons for carrying out these practices. Fertilizer may not be furnished to persons who are indebted to the Federal Government as indicated by the register of indebtedness, except in those cases where the agency to which the debt is owed notifies the ASC State Office that it waives its right to setoff in order to permit the furnishing of fertilizer. Purchase orders may be obtained by filing an application for such orders. Applications are available at the ASC district offices, local offices of the Extension Service, local offices of the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico, offices of the Soil Conservation Service, and district offices of the Farmers Home Administration.

(c) Title to any fertilizer furnished through the Agricultural Conservation Program shall vest in the Federal Government until the fertilizer is applied or all charges for same are satisfied.

(d) The farmer shall pay that part of the cost of the fertilizer, as established under instructions issued by the Administrator, ACPS, which is in excess of the Federal cost-share attributable to the use of the fertilizer. The Federal cost-share increase on the amount of the Federal cost-share attributable to the use of the fertilizer may be advanced as a credit against that part of the cost of the fertilizer required to be paid by the farmer.

(e) The person to whom fertilizer is furnished under the 1954 program will be relieved of responsibility for the fertilizer upon determination by the ASC State Office that the fertilizer was used in performing the practice for which it was furnished. If the person uses any fertilizer for any purpose other than that for which it was furnished, he shall be indebted to the Federal Government for that part of the cost of the fertilizer borne by the Federal Government and shall pay such amount to the Treasurer of the United States direct or by withholdings from Federal cost-shares otherwise due him under the program.

(f) Any person to whom fertilizer is furnished shall be responsible to the Federal Government for any damage to the fertilizer, unless he shows that the damage was caused by circumstances beyond his control. If the fertilizer is abandoned or not used during the program year, it may, in accordance with instructions issued by the Administrator, ACPS, be transferred to another person or otherwise disposed of at the expense of the person who abandoned or failed to use the fertilizer, or be retained by the person for use in a subsequent program year.

Maximum Federal cost-share. The lesser of $40 or 80 percent of the fair price per ton for the grade of fertilizer used, as determined by the ASC State Office.

§ 1102.425 *Practice 15. Constructing and maintaining throughout 1954, individual terraces around coffee trees in order to properly improve the woodland protection afforded by such trees to steep slopes.* Individual terraces around coffee trees should be constructed as nearly level as possible within the 1954 designated parcel. Using the tree as an axis, the excavated area should have a radius of at least 3 feet on land having a slope of not more than 45 percent and of at least 2 feet on steeper slopes. The excavated soil should be used to fill in the slope below the tree. No cost-sharing will be allowed for the construction of terraces on land having a slope of 2 percent or less or if the terraces constructed are not properly maintained throughout 1954. Cost-sharing will not be allowed for more than 450 terraces per acre, nor will cost-sharing be allowed if less than 300 terraces have been constructed per acre. Federal cost-sharing will not be allowed for this practice if the Commonwealth Government of Puerto Rico shares in the cost under any other program.

Maximum Federal cost-share. $2 per 100 terraces.

§ 1102.426 *Practice 16: Constructing and maintaining throughout 1954, individual catch pits on the upper side of the coffee trees in order to properly improve the woodland protection afforded by such trees to steep slopes.* Catch pits must be from 30 to 42 inches long, 12 to 15 inches wide, and not less than 8 inches deep. No cost-sharing will be allowed for the construction of catch pits on land having a slope of 2 percent or less, or if the catch pits constructed are not properly maintained throughout 1954. Catch pits must be constructed outside the maximum limit of the area covered by the branches of the coffee trees, but always at the upper side of the tree, on the contour, and within the 1954 designated parcel. Where the nature of the soil and other local conditions make adherence to the foregoing specifications neither practicable nor desirable, such changes may be made as are recommended by the Advisory Committee for the community and approved by the ASC State Office. In such case the applicable cost-share per 100 catch pits shall be that recommended by the said Advisory Committee and approved by the ASC State Office, but in no event more than $1.75 per 100 catch pits. No cost-sharing will be allowed for more than 450 catch pits per acre nor will cost-sharing be allowed if less than 300 catch pits have been constructed per acre. No cost-sharing will be allowed for this practice if the Commonwealth Government of Puerto Rico has shared in the cost under any other program.

Maximum Federal cost-share. $1.75 per 100 catch pits.

Federal Cost-Shares

§ 1102.431 *Division of Federal cost-shares*—(a) *Federal cost-shares.* The Federal cost-share attributable to carrying out the practices contained in §§ 1102.421 and 1102.424 with fertilizer furnished under a purchase order shall be credited to the person to whom the fertilizer is furnished and it shall have priority over payment for other practices. Other Federal cost-shares shall be credited to the person who carried out the practices by which such other Federal cost-shares are earned. If more than one person contributed to the carrying out of such practices, the Federal cost-share shall be divided among such persons in the proportion that the ASC State Office determines they contributed to the carrying out of the practices. In making this determination, the ASC State Office shall take into consideration the value of the labor, equipment, or material contributed by each person toward the carrying out of each practice on a particular acreage and shall assume that each contributed equally unless it is established to the satisfaction of the ASC State Office that their respective contributions thereto were not in equal proportion. The furnishing of land or the right to use water will not be con-

sidered as a contribution to the carrying out of any practice.

(b) *Death, incompetency, or disappearance.* In case of death, incompetency, or disappearance of any person, any Federal share of the cost due him shall be paid to his successor, determined in accordance with the provisions of the regulations in ACP–122, as amended (part 1108 of this chapter)

§ 1102.432 *Increase in small Federal cost-shares.* The Federal cost-share computed for any person with respect to any farm shall be increased as follows: *Provided, however* That in the event legislation is enacted which repeals or amends the authority for making such increases, the Secretary may in such manner and at such time as is consistent with such legislation discontinue such increases:

(a) Any Federal cost-share amounting to $0.71 or less shall be increased to $1.

(b) Any Federal cost-share amounting to more than $0.71, but less than $1, shall be increased by 40 percent.

(c) Any Federal cost-share amounting to $1 or more shall be increased in accordance with the following schedule:

Amount of cost-share computed:	*Increase in cost-share*
$1 to $1.99	$0.40
$2 to $2.99	.80
$3 to $3.99	1.20
$4 to $4.99	1.60
$5 to $5.99	2.00
$6 to $6.99	2.40
$7 to $7.99	2.80
$8 to $8.99	3.20
$9 to $9.99	3.60
$10 to $10.99	4.00
$11 to $11.99	4.40
$12 to $12.99	4.80
$13 to $13.99	5.20
$14 to $14.99	5.60
$15 to $15.99	6.00
$16 to $16.99	6.40
$17 to $17.99	6.80
$18 to $18.99	7.20
$19 to $19.99	7.60
$20 to $20.99	8.00
$21 to $21.99	8.20
$22 to $22.99	8.40
$23 to $23.99	8.60
$24 to $24.99	8.80
$25 to $25.99	9.00
$26 to $26.99	9.20
$27 to $27.99	9.40
$28 to $28.99	9.60
$29 to $29.99	9.80
$30 to $30.99	10.00
$31 to $31.99	10.20
$32 to $32.99	10.40
$33 to $33.99	10.60
$34 to $34.99	10.80
$35 to $35.99	11.00
$36 to $36.99	11.20
$37 to $37.99	11.40
$38 to $38.99	11.60
$39 to $39.99	11.80
$40 to $40.99	12.00
$41 to $41.99	12.10
$42 to $42.99	12.20
$43 to $43.99	12.30
$44 to $44.99	12.40
$45 to $45.99	12.50
$46 to $46.99	12.60
$47 to $47.99	12.70
$48 to $48.99	12.80
$49 to $49.99	12.90
$50 to $50.99	13.00
$51 to $51.99	13.10
$52 to $52.99	13.20
$53 to $53.99	13.30
$54 to $54.99	13.40
$55 to $55.99	13.50
$56 to $56.99	13.60
$57 to $57.99	13.70
$58 to $58.99	13.80
$59 to $59.99	13.90
$60 to $185.99	14.00
$186 to $199.99	(1)
$200 and over	(2)

[1] Increase to $200.
[2] No increase.

§ 1102.433 *Federal cost-shares limited to $1,500.* (a) The total of all Federal cost-shares under the 1954 program to any person with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, Puerto Rico, and the Virgin Islands) shall not exceed the sum of $1,500.

(b) All or any part of any Federal cost-share which otherwise would be due any person under the 1954 program may be withheld, or required to be refunded, if he has adopted, or participated in adopting, any scheme or device, including the dissolution, reorganization, revival, formation, or use of any corporation, partnership, estate, trust, or any other means, designed to evade, or which has the effect of evading, the provisions of this section.

GENERAL PROVISIONS RELATING TO FEDERAL COST-SHARING

§ 1102.436 *Maintenance of practices.* The sharing of costs, by the Federal Government, for the performance of approved conservation practices on any farm under the 1954 program will be subject to the condition that the person with whom the costs are shared will maintain such practices in accordance with good farming practices as long as the land on which they are carried out is under his control.

§ 1102.437 *Practices defeating purposes of programs.* If the ASC State Office finds that any person has adopted or participated in any practice which tends to defeat the purposes of the 1954 or any previous program, including, but not limited to, failure to maintain in accordance with good farming practices, practices carried out under a previous program, it may withhold, or require to be refunded, all or any part of the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1102.438 *Depriving others of Federal cost-share.* If the ASC State Office finds that any person has employed any scheme or device (including coercion, fraud, or misrepresentation), the effect of which would be or has been to deprive any other person of the Federal cost-share due that person under the program, it may withhold, in whole or in part, from the person participating in or employing such a scheme or device, or require him to refund in whole or in part, the Federal cost-share which otherwise would be due him under the 1954 program.

§ 1102.439 *Filing of false claims.* If the ASC State Office finds that any person has knowingly filed claim for payment of the Federal cost-share under the program for practices not carried out, or for practices carried out in such a manner that they do not meet the required specifications therefor, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.440 *Misuse of purchase orders.* If the ASC State Office finds that any person has knowingly used a purchase order issued to him for conservation materials or services for a purpose other than that for which it was issued, and that such misuse of the purchase order tends to defeat the purpose for which it was issued, such person shall not be eligible for any Federal cost-sharing under the program and shall refund all amounts that may have been paid to him under the program. The withholding or refunding of Federal cost-shares will be in addition to and not in substitution of any other penalty or liability which might otherwise be imposed.

§ 1102.441 *Federal cost-shares not subject to claims.* Any Federal cost-share, or portion thereof, due any person shall be determined and allowed without regard to questions of title under State law; without deduction of claims for advances (except as provided in § 1102.442, and except for indebtedness to the United States subject to setoff under orders issued by the Secretary) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

§ 1102.442 *Assignments.* Any person who may be entitled to any Federal cost-share under the 1954 program may assign his right thereto, in whole or in part, as security for cash loaned or advances made for the purpose of financing the making of a crop in 1954. No assignment will be recognized unless it is made in writing on Form ACP–69 and in accordance with the instructions in ACP–70–Insular Region.

§ 1102.443 *Pooling agreements.* Farmers in any local area may agree in writing, with the approval of the ASC State Office, to perform designated amounts of practices which will conserve or improve the agricultural resources of the community. For purposes of eligibility for cost-sharing, practices carried out under such an approved written agreement will be regarded as having been carried out on the farms of the persons who performed the practices.

§ 1102.444 *Compliance with regulatory measures.* Persons who carry out conservation practices under the 1954 program shall be responsible for obtaining the authorities, rights, easements, or other approvals necessary to the performance and maintenance of the practices in keeping with applicable laws and regulations. The person with whom the cost of the practice is shared shall be responsible to the Federal Government for any losses it may sustain because he infringes on the rights of others or fails to comply with applicable laws or regulations.

§ 1102.445 *Practices carried out with State or Federal aid.* The Federal share of the cost for any practice shall not be reduced because it is carried out with materials or services furnished through the program or by any agency of a State to another agency of the same State, or with technical advisory services furnished by a State or Federal agency. In other cases of State or Federal aid, the total Federal cost-share computed on the basis of the total number of units of the practice performed shall be reduced by the value of the aid, as determined by the ASC State Office, in computing the amount of the Federal cost-share to be paid for performance of the practice. Materials or services furnished or used by a State or Federal agency for the performance of practices on its land shall not be regarded as State or Federal aid for the purposes of this section.

APPLICATION FOR PAYMENT OF FEDERAL COST-SHARES

§ 1102.451 *Persons eligible to file application.* Any person who, as landlord, tenant, or sharecropper on a farm, bore a part of the cost of an approved conservation practice is eligible to file an application for payment of the Federal cost-share due him.

§ 1102.452 *Time and manner of filing application and information required.* Payment of Federal cost-shares will be made only upon application submitted on the prescribed form to the ASC district offices not later than February 28, 1955, except that the ASC State Office may accept an application filed after February 28, 1955, but not later than December 31, 1955, in any case where the failure to timely file was not the fault of the applicant. If an application for a farm is filed within the time prescribed, any person on the farm who did not sign the application may subsequently file an application, provided he does so on or before December 31, 1955. Payment may be withheld from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another. Any application for payment may be rejected if any form or information required of the applicant is not submitted to the district office within the time fixed by the Administrator, ACPS, which time shall be not later than December 31, 1955. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms or required information, and any time limit fixed shall afford a full and fair opportunity to those eligible to file the form or information within the period prescribed. Such notice shall be given by mailing notice to the ASC district offices and making copies available to the press.

APPEALS

§ 1102.456 *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or made available to him, request the ASC State Office in writing to reconsider its recommendation or determination in any matter affecting the right to or the amount of his Federal cost-shares with respect to the farm. The ASC State Office shall notify him of its decision in writing within 30 days after the submission of the appeal. If he is dissatisfied with the decision of the ASC State Office, he may, within 15 days after its decision is forwarded to or made available to him, request the Administrator, ACPS, to review the decision of the ASC State Office. The decision of the Administrator, ACPS, shall be final. Written notice of any decision rendered under this section by the ASC State Office shall also be issued to each other landlord, tenant, or sharecropper on the farm who may be adversely affected by the decision.

BULLETINS, INSTRUCTIONS, AND FORMS

§ 1102.461 *Bulletins, instructions, and forms.* The Administrator, ACPS, is authorized to make determinations and to prepare and issue bulletins, instructions, and forms containing detailed information with respect to the 1954 program as it applies to Puerto Rico, and forms will be available in the State and district ASC offices. Producers wishing to participate in the program should obtain all information needed from the offices mentioned herein.

DEFINITIONS

§ 1102.466 *Definitions.* For the purposes of the 1954 program:

(a) "Secretary" means the Secretary of the United States Department of Agriculture or the officer of the Department acting in his stead pursuant to delegated authority.

(b) "Administrator, ACPS," means the Administrator of the Agricultural Conservation Program Service.

(c) "State" means the Commonwealth of Puerto Rico.

(d) "ASC State Office" means the Caribbean Area Agricultural Stabilization and Conservation Office, San Juan, Puerto Rico.

(e) "Advisory Committee" means the persons, technicians, or others designated by the ASC State Office and the Department of Agriculture and Commerce of the Commonwealth Government of Puerto Rico to form a committee for the community.

(f) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise, or other legal entity (and, whereever applicable, a State, a political subdivision of a State, or any agency thereof) that, as landlord, tenant, or sharecropper, participates in the operation of a farm.

(g) "Farm" means all adjacent or nearby farm or range land under the same ownership which is operated by one person, including also (1) any other adjacent or nearby farm or range land which the ASC State Office, in accordance with instructions issued by the Administrator, ACPS, determines is operated by the same person as part of the same unit in producing livestock or with respect to the rotation of crops, and with work stock, machinery, and labor substantially separate from that for any other land; and (2) any field-rented tract (whether operated by the same or another person) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops. A farm shall be regarded as located in the municipality in which the principal dwelling is situated or, if there is no dwelling thereon, it shall be regarded as located in the municipality in which the major portion of the farm is located.

(h) "Coffee farm" means the same as "farm," except that it shall contain at least 0.5 acre of coffee in production in any one contiguous area.

(i) "Sugarcane farm" means any farm that has sugarcane growing in 1954.

(j) "Cropland" means farmland which in 1953 was tilled or was in regular crop rotation, excluding (1) bearing orchards (except the acreage of cropland therein) and (2) plowable non-crop open pasture.

(k) "Orchards" means the acreage in planted fruit trees, nut trees, coffee trees, vanilla plants, and banana plants.

(l) "Pastureland" means farmland, other than rangeland, on which the predominant growth is forage suitable for grazing and on which the spacing of any trees or shrubs is such that the land could not fairly be considered as woodland.

(m) "Rangeland" means nonirrigated land growing, without cultivation, native perennial grasses and forage plants primarily, and used for grazing by domestic livestock.

(n) "Designated parcel" means the acreage, designated under the 1954 program by the producer and accepted by the ASC State Office, within the coffee bearing area of a farm on which prescribed practices are to be carried out. Such acreage cannot exceed the larger of 4 acres or 12 percent of the total coffee bearing area of a farm.

(o) "Program year" means the period from January 1, 1954, through December 31, 1954.

AUTHORITY, AVAILABILITY OF FUNDS, AND APPLICABILITY

§ 1102.471 *Authority.* The program contained in this subpart is approved pursuant to the authority vested in the Secretary of Agriculture under sections 7–17 of the Soil Conservation and Domestic Allotment Act, as amended (49 Stat. 1148; 16 U. S. C. 590g–590q), and the Department of Agriculture Appropriation Act, 1954.

§ 1102.472 *Availability of funds.* (a) The provisions of the 1954 program are necessarily subject to such legislation as the Congress of the United States may hereafter enact; the paying of the Federal cost-shares provided in this subpart is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such Federal cost-shares will necessarily be within the limits finally determined by such appropriation.

(b) The funds provided for the 1954 program will not be available for paying Federal cost-shares for which applications are filed in the ASC district offices after December 31, 1955.

§ 1102.473 *Applicability.* (a) The provisions of the 1954 program contained in this subpart are not applicable to (1) any department or bureau of the United States Government or any corporation wholly owned by the United States; (2)

grazing lands owned by the United States which were acquired or reserved for conservation purposes, or which are to be retained permanently under Government ownership, including, but not limited to, grazing lands administered by the Forest Service or the Soil Conservation Service of the United States Department of Agriculture, or by the Bureau of Land Management (including lands administered under the Taylor Grazing Act) or the Fish and Wildlife Service of the United States Department of the Interior; and (3) nonprivate persons for performance on any land owned by the United States or a corporation wholly owned by it.

(b) The program is applicable to (1) privately owned lands; (2) lands owned by a State or political subdivision or agency thereof; (3) lands owned by corporations which are partly owned by the United States, such as production credit associations; (4) lands temporarily owned by the United States or a corporation wholly owned by it which were not acquired or reserved for conservation purposes, including lands administered by the Farmers Home Administration, the Reconstruction Finance Corporation, the Federal Farm Mortgage Corporation, the United States Department of Defense, or by any other Government agency designated by the Administrator, ACPS; and (5) any cropland farmed by private persons which is owned by the United States or a corporation wholly owned by it.

Done at Washington, D. C., this 17th day of December, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10621; Filed, Dec. 22, 1953; 8:47 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter F—Animal Breeds

[BAI Order 385, Amdt. 1]

PART 151—RECOGNITION OF BREEDS AND BOOKS OF RECORD OF PUREBRED ANIMALS

DOGS

On October 31, 1953, a notice of rule making was published in the FEDERAL REGISTER (18 F. R. 6887) regarding the proposed recognition by the Secretary of Agriculture of the book of record of purebred dogs entitled "Teckel Stammbuch" and the amendment of § 151.10 of the regulations governing the recognition of breeds and books of record of purebred animals (9 CFR 151.10 as amended)

After due consideration of all relevant material presented in connection with the notice, the Secretary of Agriculture, pursuant to the authority vested in him by section 201, paragraph 1606 of the Tariff Act of 1930, as amended (19 U. S. C. and Supp., sec. 1201, par. 1606) hereby recognizes the said book of record, and hereby amends said § 151.10 by adding to the table in paragraph (a) of said section relating to dogs the following book of record:

DOGS

Name of breed	Book of record	By whom published
Dachshund	Teckel Stammbuch.	Deutscher Teckelklub, E. V., Duisburg, Rhineland, Moselstrasse 7, Germany, Joseph Chateau, stud bookkeeper.

Under a proviso in paragraph (a) of said § 151.10 no dog registered in the above book of record shall be certified under the act as purebred unless a pedigree certificate showing three complete generations of known and recorded purebred ancestry of the Dachshund breed issued by the sponsoring Association is submitted for such animal.

(Par. 1606, 46 Stat. 673; 19 U. S. C. 1201, par. 1606)

The foregoing amendment shall become effective on the 22d day of January 1954.

Done at Washington, D. C., this 17th day of December 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-10639; Filed, Dec. 22, 1953; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

Subchapter L—Irrigation Projects; Operation and Maintenance

PART 130—OPERATION AND MAINTENANCE CHARGES

JOINT WORKS

Section 130.69a (1) (2) is revised to read as follows:

§ 130.69a *Joint works.* * * *

(1) * * * (2) The project engineer has determined that for the present, joint works will need approximately two-thirds of the available office space at Coolidge. The Indian unit has set up its office at Sacaton and makes that location the headquarters for its operation and maintenance activities on Indian lands and, therefore, no longer occupies any of the office space at Coolidge. The district, therefore, is permitted to use one-third of said office space until such time as the project engineer finds that the requirements of joint works for such office space increase or decrease. The occupancy of the office building at Coolidge or any other project building occupied by the district and/or the Indian unit shall be by mutual agreement of the project engineer, the district engineer and the engineer in charge of the Indian unit. Payment shall be made by the Indian unit or by the district for the cost of operating and maintaining space occupied in the office building at Coolidge or in such other project buildings as may be occupied by either unit for its exclusive use. Until the requirements of joint works increase the district may continue to occupy the approximate east one-third of the office building for which occupancy the district shall pay such sum per month from August 1, 1952 as has been or may be agreed upon in writing between the district and the project engineer. The use of such space, which shall include the right to use part of the basement space, and garage referred to in an agreement between the project engineer and the district engineer of August 25, 1952, approved by the Area Director on December 19, 1952, shall continue, subject to the paramount need for such space for joint works operations, and the judgment of the project engineer in this regard shall be final unless otherwise determined by the Secretary of the Interior. The monthly payments received shall be deposited in the joint works account of the project and applied as provided in the said agreement.

(Secs. 1, 3, 36 Stat. 270, 272, as amended; 25 U. S. C. 385)

DOUGLAS MCKAY,
Secretary of the Interior.

DECEMBER 17, 1953.

[F. R. Doc. 53-10605; Filed, Dec. 22, 1953; 8:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BAYOU BIENVENUE AND BAYOU BLACK, LOUISIANA

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.245 governing the operation of certain drawbridges where constant attendance of draw tenders is not required over navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets is amended, as follows:

§ 203.245 *Navigable waters discharging into the Atlantic Ocean south of and including Chesapeake Bay and into the Gulf of Mexico, except the Mississippi River and its tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(i) Waterways discharging into the Gulf of Mexico east of the Mississippi River. * * *

(22-a) Bayou Bienvenue, La., Louisiana Department of Highways bridge near Chalmette. At least 24 hours' advance notice required.

* * * * *

(j) Waterways discharging into the Gulf of Mexico west of the Mississippi River. * * *

(4-a) Bayou Black, La., Louisiana Department of Highways bridge near Gibson. At least 24 hours' advance notice required.

* * * * *

[Regs. December 7, 1953, 823.01-ENGWO] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-10623; Filed, Dec. 22, 1953; 8:48 a. m.]

TITLE 14—CIVIL AVIATION

Chapter II—Civil Aeronautics Administration, Department of Commerce

[Amdt 55]

PART 609—STANDARD INSTRUMENT APPROACH PROCEDURES

ALTERATIONS

The standard instrument approach procedure alterations appearing hereinafter are adopted to become effective when indicated in order to promote safety of the flying public. Compliance with the notice procedures, and effective date provisions of section 4 of the Administrative Procedure Act would be impracticable and contrary to the public interest, and therefore is not required

Part 609 is amended as follows:

1 The instrument landing system procedures prescribed in § 609 11 are amended to read in part:

ILS STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If an ILS instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport Initial approaches shall be made over specified routes Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below:

City and State; airport name, elevation; facility; class and identification; procedure No; effective date	Transition to ILS				Procedure turn (—) side of final approach course (out bound and in bound); altitudes; limiting distances	Minimum altitude at glide slope intercept ion inbound (ft)	Altitude of glide slope and distance to approach end of runway at—		Ceiling and visibility minimums			If visual contact not established upon descent to authorized landing minimums or if landing not accomplished
	From—	To—	Course and distance	Minimum altitudes (ft)			Outer marker	Middle marker	Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11	12	13
POCATELLO, IDAHO Phillips Field, 4 448' ILS-PIH LOM-PI Procedure No. 1 Combination ILS and ADF December 20 1953	PIH VOR	LOM	029—9	7,000	NW side of NE course: 027° outbound 207 inbound. 7 000' within 15 miles of PIH LOM. 20 and 25 miles NA	ILS 7,000 ADF over LOM 6 300	5610—4.3	4660—0 7	T-dn	300-1	300-1	Climb to 6,500 on W course PIH LFR or on 234° outbound course from PIH VOR within 25 miles of respective stations. Alternate missed approach; when directed by ATC, turn right, climb to 7 500' on N course PIH LFR or on 335° outbound course from PIH VOR within 25 miles of respective stations. NOTE: No approach lights installed. 6,100' MSL terrain located 9 miles E of LOM; 5,000' MSL terrain located 3 miles SE of airport
	PIH LFR	LOM	024—6	7,000					C-d ILS ADF	500-1 600-1	600-1½ 800-1½	
	Int. NE course ILS and S course IDA LFR	LOM	207—5	7 000					C-n ILS ADF	500-2 600-2	600-2 800-2	
	Int. NE course ILS (027° bearing from LOM for ADF) and S course IDA LFR	LOM	207—5	7 000					S-dn Rwy 21 ILS	400-¾	400-¾	
									A-dn	800-2	800-2	
YOUNGSTOWN, OHIO Youngstown Airport 1 196 ILS-YNG LOM-YN Procedure No. 1 Combination ILS and ADF Effective with commissioning of ILS on or about December 16 1953	Int. 56° course to Youngstown VOR and 100° bearing to LOM	LOM	100—14	2 600	N side SE course: 139 outbound 319 inbound. 2 600' within 10 miles	ILS 2,600 ADF 2,100' over LOM	2580—5.4	1375—0 7	T-dn	300-1	300-1	Within 5.4 miles after passing LOM (ADF) climb to 2 500' on NW course ILS or on bearing 319° from LOM make right turn and proceed to Youngstown LFR
	Int. E course Youngstown LFR or 236 course to Youngstown VOR and bearing 236° to Youngstown LOM	LOM	236—10	2,600					C-dn	500-1	500-1½	
									S-dn 32 ILS	400-¾	400-¾	
	Youngstown VOR	LOM	161—10	2,600					ADF	500-1	500-1	
	Youngstown LFR	LOM	153—9	2 600					A-dn	800-2	800-2	
	Int. S course Youngstown LFR and bearing 050° to Youngstown LOM.	LOM	50—5	2,600								

2 The very high frequency omnirange procedures prescribed in § 609 15 (a) are amended to read in part:

VOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a VOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility; class and identification; procedure No; effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance facility to airport	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m. p. h	If visual contact not established at authorized landing minimums after passing facility within distance specified, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
DES MOINES, IOWA Des Moines, 957' BVOR-DSM Procedure No. 1 December 20, 1953	Des Moines LFR	173—4.0	2,100	East side of course: 163 outbound 343 inbound. 2,100' within 15 miles 2,200 within 25 miles	1,600	343—6.2	T-dn C-dn S-dn 35 A-dn	300-1 500-1 500 3 800 2	500 1 500 1½ 500-1 300 2	Within 6.2 miles, immediately turn left, climb to 2,600' on outbound course of 320 within 25 miles or when directed by ATC immediately turn left climb to 2 400' on outbound course of 253 within 25 miles CAUTION: 1,360 MSL TV tower located 3.2 miles NNE of airport. When TV tower not visible on N, NW, E, and W takeoffs, climb to 2 100' MSL prior to turning toward tower
	Martindale FM (final)	009—5.0	1,600							
POCATELLO, IDAHO Phillips Field, 4 448' BVOR-PIH Procedure No. 1 December 20, 1953	PIH LFR	213—4.0	6,500	N side of course: 250° outbound. 070° inbound 6 000' within 25 miles of PIH VOR. Procedure turn N for more favorable terrain.	5 400	031—3.6	T-dn C-d C-n A-dn	300-1 500-1 500-2 800-2	300-1 500-1½ 500 2 800-2	Within 3.6 miles execute climbing left turn, climb to 6,500' on the 234° radial from PIH VOR, within 25 miles. Alternate missed approach procedure when directed by ATC: Execute climbing left turn to intercept and climb to 7,500' on the 335° radial from PIH VOR within 25 miles. CAUTION: 5,000' MSL terrain located 3 miles SE of airport and 6 miles SW of PIH VOR
	PIH LOM	209—9.0	6,500							

3 The very high frequency omnirange procedures prescribed in § 609 15 (b) are amended to read in part:

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE

Bearings, headings, and courses are magnetic. Distances are in statute miles unless otherwise indicated. Elevations and altitudes are in feet, MSL. Ceilings are in feet above airport elevation.
If a TVOR instrument approach is conducted at the below named airport, it shall be in accordance with the following instrument approach procedure, unless an approach is conducted in accordance with a different procedure authorized by the Administrator for Civil Aeronautics for such airport. Initial approaches shall be made over specified routes. Minimum altitude(s) shall correspond with those established for en route operation in the particular area or as set forth below

City and State; airport name, elevation; facility; class and identification; Procedure No (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft.)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft.)	Course and distance from int. runway center line extended and final course to approach end of runway	Ceiling and visibility minimums: Condition	Type aircraft: 75 m. p. h or less	Type aircraft: More than 75 m. p. h	If visual contact not established at TVOR, or if landing not accomplished
1	2	3	4	5	6	7	8	9	10	11
ROCHESTER, N. Y. Monroe County Airport, 559' BVOR-DTV 117.8 mc, ROC Procedure No. TVOR-1 Effective date: July 15, 1953	Rochester LFR	303—3.0	1,900	E side course: 160 outbound 360 inbound. 1,900' within 10 miles (NA beyond 10 miles)	1,200	007—0.35	T-dn C-dn S-dn 1 A-dn	300-1 500-1 500-1 800-2	300-1 500 1 5 500 1 800-2	Climb to 2 000 on course of 360° within 25 miles of VOR. NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized
Procedure No. TVOR-10 Effective date: July 15, 1953	Rochester LFR	303—3.0	1,900	S side course: 287 outbound 107 inbound. 1,900' within 10 miles (NA beyond 10 miles).	1,100	090—0.43	T-dn C-dn S-dn 10 A-dn	300-1 500-1 500-1 800-2	300-1 500-1 5 500 1 800-2	Climb to 2 000' on course of 107° within 25 miles of VOR, as or directed by ATC. NOTE: Take-offs on Runway 12 and landings on Runway 30 not authorized

TVOR STANDARD INSTRUMENT APPROACH PROCEDURE—Continued

City and State; airport name, elevation; facility; class and identification; Procedure No (TVOR); effective date	Initial approach to facility from—	Course and distance	Minimum altitude (ft)	Procedure turn (—) side of final approach course (outbound and inbound); altitudes; limiting distances	Minimum altitude over facility on final approach course (ft)	Course and distance from int runway center line extended and final course to approach end of runway	Ceiling and visibility minimums			If visual contact not established at TVOR, or if landing not accomplished
							Condition	Type aircraft		
								75 m. p. h or less	More than 75 m p h	
1	2	3	4	5	6	7	8	9	10	11
TOLEDO, OHIO Toledo Airport 622' LVOR-DTV 113.6 mc, TOL Procedure No TVOR-4 Effective date; April 23 1953	Waterville VOR	049—11 0	1,900	E side course: 215 outbound 035 inbound 1 900' within 10 miles (NA beyond 10 miles)	1,100	041—0 25	T dn	300-1	300-1	Make right climbing turn to 1,800 on course of 142° within 15 miles of LVOR
	Genoa Rbn	317—4 5	1,800				C-d	500-1	500-1 5	
	Toledo LFR	342—9 0	1,900				C n	500-1 5	500-1 5	
							S-d	500-1	500-1 5	
							S n 4	500-1 5	500-1 5	
							A-dn	800-2	800-2	
Procedure No. TVOR-14 Effective date: April 24, 1953	Waterville VOR	049—11 0	1,900	W side course: 309 outbound 129 inbound 2 100' within 10 miles (NA beyond 10 miles)	1 200#	129—0 29	T-dn	300-1	300-1	Climb to 1 800' on course of 142° within 15 miles of LVOR. *Maumee Int: Int 129 course to Toledo LVOR and 205° course to Waterville VOR. #If Maumee Int. not identified on final descent below 1,500 not authorized
	Genoa Rbn	317—4 5	1,800				C-dn	#600-1	#600-1 5	
	Toledo LFR	342—9 0	1,900				S-dn	#600-1	#600-1 5	
							14			
	Maumee Int * (final)	129—4 5	1,200#				A dn	#800-2	#800-2	
Procedure No. TVOR-32 Effective date: April 23, 1953	Waterville VOR	049—11 0	1,900	E side course: 142 outbound 322 inbound 1,600' within 10 miles (NA beyond 10 miles)	1 100	322—0 25	T-dn	300-1	300-1	Climb to 2 100 on course of 309 within 20 miles of LVOR *Genoa Int: Int. 322 course to Toledo LVOR and 249° course to Waterville VOR and/or 069° course to Genoa Rbn
	Genoa Rbn	317—4 5	1,800				C-d	500-1	500-1 5	
	Toledo LFR	342—9 0	1,900				C-n	500-1 5	500-1 5	
							S dn	500-1	500-1 5	
							32			
	Genoa Int * (final)	322—4 5	1,100				A dn	800-2	800-2	
WASHINGTON, D. C. Washington National Airport Procedure No. TVOR-33 Effective date: August 24, 1953	Springfield Rbn	072—12 0	1,800	W side course: # 160 outbound 340 inbound 1 600' within 10 miles (NA beyond 10 miles)	*600	330—0 65	T-dn	300-1	300-1	Climb to 1 800' on course of 327 within 10 miles of TVOR. *If Int. NE course Washington LFR not identified on final, descent below 700' not authorized #Procedure turn W to avoid Andrews AFB traffic CAUTION: 596' monument 1 8 miles N of airport
	Herndon VOR	124—25 0	1,800				C-dn*	600-1	600-1 5	
	Andrews LFR	327—15 0	1,500				S-dn	600-1	600-1	
	Washington LFR	002—6 0	1,500				33			
	Abeam Riverdale Rbn	234—6 0	1,600				A-dn	800-2	800-2	
	Int NE course Washington LFR (final)	340—4.0	*600							
	Radar terminal area transition altitude	All directions (within 25 miles)	1,800							
	Radar terminal area transition altitude (final)	340 (within 10 miles)	*700							
Procedure No. TVOR-36 Effective date: August 24 1953	Springfield Rbn	072—12 0	1 800	W side course: # 187 outbound 007 inbound 1 500' within 10 miles (NA beyond 10 miles)	*500	003—0 46	T-dn	300-1	300-1	Climb to 1,800 on course of 327° within 10 miles of TVOR. *If Int. NW course Washington LFR not identified on final, descent below 800' not authorized #Procedure turn W to avoid Andrews AFB traffic CAUTION: 596' monument 1 8 miles N of airport.
	Herndon VOR	124—25 0	1 800				C-dn*	600-1	600-1 5	
	Andrews LFR	327—15 0	1,500				S-dn	500-1	500-1	
	Washington LFR	002—6.0	1,500				36			
	Abeam Riverdale Rbn.	234—6 0	1 600				A-dn*	800-2	800-2	
	Int. NW course Washington LFR (final)	007—6.0	500							
	Radar terminal area transition altitude.	All directions (with 25 miles)	1 800							
	Radar terminal area transition altitude (final)	007 (within 10 miles)	*800							

These procedures shall become effective on the dates indicated in Column 1 of the procedures.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interpret or apply sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

[SEAL] F. B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53-10604; Filed, Dec. 22, 1953; 8:45 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IV—Joint Regulations of the Armed Forces

Subchapter B—Transportation by Aircraft

PART 416—MOVEMENT OF TRAFFIC ON MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

PART 417—MOVEMENT OF TRAFFIC ON OTHER THAN MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

The following Parts 416 and 417 supersede Parts 416 and 417 (15 F. R. 483; 32 CFR 416; 417)

PART 416—MOVEMENT OF TRAFFIC ON MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

Sec.
416.1 Purpose and scope.
416.2 Definitions.
416.3 Uniform.
416.4 Responsibilities.
416.5 Policy.
416.6 Categories.
416.7 Additional authorization.
416.8 Revenue traffic charges.
416.9 Air movement designator requirements.
416.10 Special requirements.
416.11 Baggage allowances.
416.12 Diversion to commercial carriers.

AUTHORITY: §§ 416.1 to 416.12 issued under E. O. 9886, Aug. 22, 1947, 12 F. R. 5689; 3 CFR, 1947 Supp.

DERIVATION: Army Regulations 96-25; OPNAV-Instruction 4630.12, Air Force Regulation 76-15, Sept. 8, 1953.

§ 416.1 *Purpose and scope.* This part prescribes the responsibilities and policies for the movement of traffic on scheduled Military Air Transport Service aircraft. It applies to all agencies utilizing or controlling space on Military Air Transport Service aircraft.

§ 416.2 *Definitions*—(a) *Traffic.* Cargo, mail, passengers, and passengers' baggage.

(b) *Revenue traffic.* Traffic for which reimbursement to, or accounting by, the Department of Defense is required.

(c) *Nonrevenue traffic.* Traffic transported in the primary or official interest of the Department of Defense.

(d) *Baggage.* All equipment, clothing, except one overcoat or raincoat, and items of any other kind carried by or accompanying a passenger and not documented as cargo.

(e) *Air movement designator.* A combination of code letters and numbers assigned by the issuing agency as a medium of identification and for the establishment of precedence of movement of traffic.

(f) *Military Air Transport Service aircraft.* As used in this part, only those aircraft of the Military Air Transport Service organization operated for the purpose of performing transport functions (excludes subordinate nontransport services of Military Air Transport Service, such as Air Weather Service, Air Rescue Service, and so forth).

§ 416.3 *Uniform.* Military personnel of the armed services will be in uniform when traveling on military aircraft unless civilian clothing is specifically authorized in competent orders.

§ 416.4 *Responsibilities.* The Military Air Transport Service, under the command and direction of the Chief of Staff, United States Air Force, is responsible for air transportation for the Department of Defense as directed by the Secretary of Defense. The Director of Transportation, Headquarters, United States Air Force is responsible for monitoring traffic management aspects of the Military Air Transport Service.

§ 416.5 *Policy.* In addition to the competent authorities of the Army, Navy, Air Force, Marine Corps, and Coast Guard listed in paragraph (a) of this section, certain orders issued by Canadian authorities will be honored for the purpose of providing military air transportation in accordance with specific directives governing reciprocal transportation between Canada and the United States. This eligibility listing is not to be construed as indicating the relative order of movement. The following is the only traffic authorized to be carried on transport aircraft operated by the Military Air Transport Service:

(a) That traffic which is directed or authorized by written orders issued by competent authorities of the Departments of the Army, the Navy, and the Air Force authorizing air transportation without reimbursement therefor when the traffic is primarily of official concern to the Department of Defense. The determination of whether traffic is primarily of official concern to the Department of Defense is a responsibility of the Secretaries of Defense, Army, Navy, or Air Force, or by delegation of authority to those agencies authorized to establish priority of movement via military air by current Departments of the Army, Navy, and Air Force directives. The priority of traffic movement shall be determined by the Department concerned in accordance with the classification of military necessity established by the individual Departments. Assigned air movement designator will be included in all orders, movement directives, or shipping documents for all traffic to or from the continental United States or between areas outside the continental United States.

(b) That traffic which is directed or authorized by competent authorities of the Departments of the Army, the Navy, or the Air Force, with reimbursement therefor, in accordance with the provisions of applicable law, when the traffic is of official concern to the executive departments or agencies, or to the legislative or judicial branches of the Government. Requests for transportation in this category should be directed to the Chief of Staff, United States Air Force, with procurement authority chargeable or a clear indication of the method by which reimbursement is to be accomplished.

(c) That traffic which is certified by the interested Department or agency as being in the national interest may be furnished air transportation to or from places outside the continental United States with reimbursement therefor. In cases covered by this section, it will be within the purview of the Secretaries of the Army, Navy, or Air Force to refuse to authorize the transportation if deemed advisable. As a matter of general policy, the aviation organizations of the armed services will not be placed in a position of competing with United States commercial air transportation.

§ 416.6 *Categories.* Categories of traffic eligible for transportation via aircraft of the Military Air Transport Service will be limited to traffic moving under competent Army, Navy, or Air Force orders, or movement authorities directing or authorizing air transportation subject to the conditions set forth in paragraphs (a) through (e) of this section:

(a) *Personnel, space requirement, nonrevenue*—(1) *Category 1.* Military personnel of the Department of Defense, including United States Coast Guard, on active duty when traveling under competent permanent change of station, temporary duty, or emergency leave orders, including all foreign military personnel, sponsored by the Secretaries of Defense, Army, Navy, or Air Force.

(2) *Category 2.* Civilian employees of the Department of Defense when traveling under competent permanent change of station orders or properly executed transportation agreements, temporary duty, or emergency leave orders including all civilians specifically sponsored by the Secretaries of Defense, Army, Navy, or Air Force.

(3) *Category 3.* Civilian personnel of Government contractors and technical advisors to military authorities, when engaged in activities of the Department of Defense which require such air travel. Such transportation may be furnished when specified in the contract or determined to be in the best interest of the Department of Defense.

(4) *Category 4.* Members of Congress and other Federal officials when the travel is in the primary interest of the Department of Defense and when authorized by the Secretary of Defense or one of the military departments.

(5) *Category 5.* Military personnel of the National Guard and Reserve Components when traveling on matters of official concern to the Department of Defense.

(6) *Category 6.* Dependents of military and civilian personnel of the Department of Defense traveling pursuant to competent permanent change of station orders or other competent travel authorizations, including such dependents when traveling to and from the continental United States or between oversea areas for medical reasons.

(7) *Category 7.* American Red Cross personnel when serving with the Department of Defense in oversea areas, provided that they are in uniform and such travel is in the performance of Red Cross duties incident to change of station or temporary duty. Emergency leave travel is authorized between oversea areas and zone of interior aerial ports.

Military air travel will not be authorized within the zone of interior.

(8) *Category 8.* Dependents of military and civilian personnel of the Department of Defense stationed overseas when traveling to or from the United States for the purpose of attending school (limited to one roundtrip each school year)

(9) *Category 9.* Commissioned officers of the Public Health Service detailed for duty with the Army, Navy, Air Force, Marine Corps, or Coast Guard, or when traveling in connection with matters primarily of official concern to the Department of Defense.

(10) *Category 10.* British, Canadian, and Australian exchange officers on duty with the Army Navy, Air Force, or Marine Corps while in a duty status, upon presentation of orders issued by competent authority.

(11) *Category 11.* Dependents of officials of the other executive departments or agencies, of the judicial branch, or of the legislative branch when accompanied by their principals when authorized by the Secretary of Defense.

(12) *Category 12.* Military personnel dependents in a patient status in the continental United States whose movement from one military hospital to another within the continental United States has been authorized, or who are initially admitted to a military hospital. When so determined by the hospital commander originating the movement of minor dependents (patients) an adult dependent member of the immediate family may be designated as an attendant and is authorized transportation.

(13) *Category 13.* Any person in case of an emergency involving catastrophe or possible loss of life when other means of suitable transportation are not available, feasible, or adequate.

(14) *Category 14.* Any other individual not listed in this paragraph when traveling on competent orders authorizing military air transportation in connection with matters primarily of official concern to the Department of Defense.

NOTE: The following are limiting conditions governing travel of certain categories of personnel:

(a) Dependents who are beyond the 188th day of pregnancy will not be accepted for air transportation.

(b) Infants under six weeks of age will not be accepted for air transportation.

(c) Children under 12 years of age will not be accepted for air transportation unless accompanied by parent or other responsible adult designated by the parent.

(b) *Personnel, space requirement, revenue*—(1) *Category 15.* Persons traveling in the interest of other governmental departments or agencies, with reimbursement by the department or agency concerned.

(2) *Category 16.* Civilian employees of the Department of Defense in areas outside the continental United States who are recruited from outside the duty area on the basis of a signed employment agreement providing for return transportation and who are separated at an oversea area under circumstances that do not convey eligibility for return transportation at Government expense for the purpose of repatriation to the aerial port which is within the country from which originally recruited and which is most conveniently situated to the oversea command location when military sea transportation service is not available. The direct cost of such travel is to be paid for by the individual or withheld from the money due the individual by the Government. Traffic in this category will be granted the lowest class of priority.

(3) *Category 17* Civilian personnel or Government contractors and technical advisors to military authorities when engaged in activities of the Department of Defense in areas outside the continental United States who default in their contracts and whose tour of duty is terminated for the convenience of the Government, for the purpose of repatriation to the continental United States when Military Sea Transport Service is not available.

(4) *Category 18.* Nongovernmental passengers upon certification of the head of the interested Executive department or agency that the furnishing of such transportation is in the national interest, and that transportation by commercial means is not available or adequate.

(5) *Category 19.* Officials of the other executive departments or agencies, of the judicial branch, or of the legislative branch, and their dependents, on a nonsponsored trip when authorized by the Secretary of Defense.

(6) *Category 20.* Civilian personnel of Department of Defense agencies operating on nonappropriated funds.

(c) *Personnel, space available, nonrevenue.* The term "space available basis," means space that is surplus after all space requirement traffic has been accommodated and which would otherwise be unused.

(1) *Category 21.* Military personnel of the Department of Defense, U. S. Coast Guard, and foreign exchange officers, including British, Canadian, and Australians on duty with the Department of Defense when traveling in connection with sick or ordinary leave.

(2) *Category 22.* Persons holding the Congressional Medal of Honor, on space available basis within the continental United States, upon presentation of proper identification. These persons will sign a certificate that the travel is not for personal gain, in accordance with Part 417 of this title.

NOTE: Whenever travel is performed in one direction on a permissive basis, that is military personnel on leave, military and civilian personnel under emergency leave or accompanied travel of dependents, there is no guarantee of space on any return flight and the Government will be under no obligation to return the individual to point of origin or to any other destination.

(d) *Cargo-nonrevenue.* (1) Cargo of the Department of Defense.

(2) Mail of the Department of Defense and of military personnel and personal mail of those civilians authorized to use military postal facilities.

(3) Cargo carried as a matter primarily of official concern to the Department of Defense.

(4) Cargo of the American Red Cross for use of the Department of Defense.

(5) Any cargo in case of catastrophe, the lack of which would cause loss of life, when other means of transportation are not available, feasible, or adequate.

(e) *Cargo-revenue.* (1) Cargo moving in the interest of other governmental departments or agencies, with reimbursement from the department or agency concerned.

(2) Nongovernmental cargo upon certification of the head of the interested executive department or agency that the furnishing of such transportation is in the national interest, and that transportation by commercial means is not available or adequate.

(3) Cargo of Department of Defense agencies operating on nonappropriated funds.

§ 416.7 *Additional authorization.* (a) Requests for transportation of traffic not covered by this part will be referred to the Chief of Staff United States Army· Chief of Naval Operations, or the Director of Transportation, Headquarters United States Air Force, depending upon the department involved.

(b) All requests for Military Air Transport Service special missions not involving aircraft of the United States Air Force Special Air Mission Fleet will be submitted through appropriate channels to the Director of Transportation, Headquarters United States Air Force.

(c) The general policy of the Department of Defense is to prohibit travel of dependents on other than competent orders when the transportation is in connection with permanent change of station assignment of the principal. However, under extenuating circumstances in individual cases, certain exceptions may be authorized by the Secretary of Defense; Secretaries of the Departments; Chairman of the Joint Chiefs of Staff; Chief of Staff, United States Army· Chief of Naval Operations; Chief of Staff, United States Air Force, and Commandant of the Marine Corps, to allow travel on a space-available basis.

§ 416.8 *Revenue traffic charges.* (a) Charges will be assessed for the transportation of traffic qualifying under § 416.6 (b) and (e) Rates to be charged will be determined by the Chief of Staff, United States Air Force. Such charges will be reasonable and, except as provided in paragraph (b) of this section, not less than the current commercial rates, including taxes. Responsibility for collection of such charges will rest with the Chief of Staff, United States Air Force.

(b) Reimbursement by the Government agency concerned for traffic authorized under § 416.5 will be on the basis of the cost thereof as determined by the Chief of Staff, United States Air Force, in accordance with section 601 of the Economy Act of 30 June 1932, as amended (47 Stat. 417, as amended; 31 U. S. C. 686)

§ 416.9 *Air movement designator requirements.* All traffic (passengers and cargo) authorized in this part is subject to the establishment of an air movement designator in accordance with established procedures.

(a) Traffic scheduled for movement to an aerial port of embarkation for shipment to points outside the continental United States will not be forwarded to the aerial port of embarkation unless the traffic has been assigned an air movement designator and appropriately cleared.

(b) *Limitation.* In the establishment of air movement designators, traffic referred to in § 416.6 (a) and (d) will, at all times, be accorded primary consideration. Traffic, the transportation of which is authorized under § 416.6 (b) and (e) will not be carried if it can reasonably be handled by United States civil air carriers, nor will such traffic be carried on any given route if in the opinion of the Departments of the Army, Navy, or Air Force, United States civil air carriers are adequate to handle such traffic.

§ 416.10 *Special requirements.* (a) All traffic to be moved on Military Air Transport Service aircraft must meet carrier acceptability requirements with respect to packing, marking, and documentation. Appropriate records will be maintained to provide essential information concerning diversions, intransit data, and receipt and delivery of traffic.

(b) Military Air Transport Service will be responsible but not accountable for all traffic carried, with responsibility beginning at the station where traffic is accepted and ending upon delivery at the carrier destination airport.

(c) The Chief of Staff, United States Air Force or the Commander, Military Air Transport Service may effect emergency changes in the transport operations and the diversion of traffic already en route, with notice to the shipping agency as to alternate means of transportation utilized, when such becomes necessary. Any diversion of traffic at aerial ports of embarkation will be the responsibility of the appropriate air traffic coordinating officer.

§ 416.11 *Baggage allowances*—(a) *Normal baggage allowance.* The normal baggage allowance for all pasengers, except those covered by paragraph (c) of this section, traveling on Military Air Transport Service aircraft will be limited to 65 pounds of baggage.

(b) *Excess baggage allowance.* An excess baggage allowance may be granted by agencies authorized to establish air movement designators. Excess allowances, when authorized, will be included in individual's orders.

(c) *Baggage allowance exceptions.* (1) A baggage allowance of 100 pounds may be authorized for dependent females and dependent children (male and female) who are traveling to oversea destinations. Any authorized excess baggage will be indicated in the individual's orders.

(2) Military, naval, and air attaches and mission personnel are authorized a baggage allowance of 100 pounds while traveling to oversea destination. Any authorized excess baggage will be indicated in the individual's orders.

(3) Personnel evacuated as patients by air from an oversea area or within the continental United States are authorized 100 pounds of baggage.

(d) *Baggage not covered by this part.* This part limits only the baggage which may be carried by passengers on Military Air Transport Service aircraft, as provided in this section, and does not limit or increase the baggage which may be transported by other means of transportation on change of station, as prescribed by existing directives.

§ 416.12 *Diversion to commercial carriers.* Diversion of cargo from Military Air Transport Service aircraft and forwarding by commercial carrier to consignee will be in accordance with existing directives.

PART 417—MOVEMENT OF TRAFFIC ON OTHER THAN MILITARY AIR TRANSPORT SERVICE SCHEDULED AIRCRAFT

Sec.

AUTHORITY: §§ 417.1 to 417.13 issued under E. O. 9886, Aug. 22, 1947, 12 F. R. 5639; 3 CFR, 1947 Supp.

DERIVATION: Army Regulations 96-20, OPNAV Instruction 4630.10, Air Force Regulation 76-6, June 11, 1953.

§ 417.1 *Purpose and scope.* This part establishes the policy for the authorization of traffic on aircraft of the Department of Defense other than scheduled aircraft operated by the Military Air Transport Service under the provisions of Part 416 of this title.

§ 417.2 *Definitions*—(a) *Traffic.* Cargo, mail, passengers, and passengers' baggage.

(b) *Revenue traffic.* Traffic for which reimbursement to, or accounting by, the Department of Defense is required.

(c) *Nonrevenue traffic.* Traffic transported in the primary official interest of the Department of Defense.

(d) *Competent authority.* An official bearing the title of commanding officer or higher authority in the chain of command of the Army, Navy, Air Force, Marine Corps, Coast Guard (when assigned to the operational control of the Navy) the Reserve components of the aforementioned organizations and the National Guard.

§ 417.3 *Uniform.* Proper uniform will be worn under all normal conditions. Civilian clothes may be worn in exceptional circumstances when authorized by competent authority.

§ 417.4 *Authorization.* Competent authorities listed in § 417.2 (d) may authorize traffic of the following categories transported on military aircraft without reimbursement. Any traffic transported under the provisions of this part will be properly identified.

(a) Military personnel of the United States (including midshipmen, Army, Navy, Air Force, and Coast Guard cadets) in active Federal Service, while in a duty status or while in a leave status on a space available basis. Orders directing permanent change of station or temporary duty travel, or authorizing leave, will constitute authority.

(b) Military personnel of the National Guard and members of the Reserve components and retired military personnel whose names appear on the published retired list of the Army, Navy, Air Force, Marine Corps, or Coast Guard: Upon presentation of orders issued by competent authority or presentation of proper identification on a space-available basis within the zone of the interior after all priority requirements have been satisfied. The certificate required by § 417.12 must be executed. Proper identification for the services is as follows:

Service	Reserve	Retired
Army	NME 2A (Reserve). Form DD2A (Reserve).	Form DD2A (Retired).
Navy	Form DD2N (Inactive).	Form DD2N (Inactive).
Marines	NavMc 178-PD	Form DD2MC.
Coast Guard	Form DD2CG (Inactive).	Form DD2CG (Retired).
Air Force	Form DD2AF (Reserve).	Form DD2AF (Retired).

(c) State National Guard officials, including State governors, Lieutenant governors, and adjutants general when the travel within the zone of interior is connected directly with the National Guard activities. Other persons as specified by the above when prior approval has been obtained from the Chief of Staff, Army; Chief of Naval Operations; or Chief of Staff, United States Air Force.

NOTE: Provisions governing passengers in National Guard aircraft will be promulgated by the Chief, National Guard Bureau.

(d) Reserve Officer's Training Corps students of the Army, Navy, and Air Force, as follows:

(1) Summer camps: Reserve Officer's Training Corps students of the Army, Navy, and Air Force at summer camps or on active training duty on authorized flights upon approval of Reserve Officer's Training Corps camp commander or upon presentation of orders from competent authority.

(2) During school year, provided that:

(i) Aircraft is on an authorized local flight.

(ii) Students are undergoing formal Reserve Officer's Training Corps and academic training during a regular school term and the flight is in connection with this training.

(iii) Students are in proper uniform.

(e) Civil Air Patrol personnel, as follows:

(1) Civil Air Patrol senior members are authorized to be carried as passengers in military aircraft when engaged in the performance of official Civil Air Patrol duties, upon presentation of orders authorized by the National Commander, Civil Air Patrol, and provided

that such transportation does not interfere with normal military activities.

(2) Civil Air Patrol cadets participating in Civil Air Patrol activities when authorized by the National Commander, Civil Air Patrol. Normally, flights will be of local orientation type not involving special hazard, and will be accomplished to permit Civil Air Patrol cadets to travel as passengers on routine training flights without additional expense to the Government.

(f) Properly registered (senior) explorers of the Boy Scouts of America participating in scout activities on local orientation flights, provided that:

(1) Multiengine aircraft is used.

(2) Each explorer presents, through his local scout executive, a completed Boy Scouts of America Form O–1518, Recognition and Approval for Senior Explorers Orientation Flights, which includes a statement of parents' or guardian's consent.

(3) Prior approval is obtained from the Chief of Naval Operations for Navy aircraft.

(g) Persons holding the Congressional Medal of Honor, on space-available basis within the zone of interior upon presentation of proper identification and valid authorization card issued by either the Departments of the Army, Navy, or Air Force. (The certificate required by § 417.12 must be executed.)

(h) Red Cross personnel and personnel of other nationally recognized welfare agencies when serving with the armed services in the field, provided that they are in uniform and when such flights are in the performance of their official duties.

(i) Commissioned officers of the Public Health Service detailed for duty with the Army, Navy, Air Force, or Coast Guard, while in a duty status.

(j) Any person in case of an emergency involving catastrophe or possible loss of life, or in an emergency when other means of suitable transportation are not available, feasible, or adequate.

(k) Any person deputized to participate in fighting forest fires or engaged in disaster relief activities upon request of the responsible Federal or State agency.

(l) Any person when the travel is necessary for the preservation of peace, order, and safety of the Nation when such travel is requested by the responsible Federal or State officials.

(m) Civilian employees of the Department of Defense, of other Government agencies, of Government contractors, and technical advisers to military authorities when engaged in activities for the Department of Defense and traveling on official orders.

(n) Certain Canadian military personnel and civilian employees of the Canadian Defense establishment when traveling on official Canadian orders in accordance with Joint Canadian-United States Reciprocal Agreement on air transportation.

(o) British, Canadian, and Australian exchange officers on duty with the Army, Navy, or Air Force while in a duty status, upon presentation of orders issued by competent authority. These officers may be authorized space-available transportation while in a leave status, upon presentation of proper identification.

(p) Cargo and mail:

(1) Cargo and mail of the Department of Defense.

(2) Cargo of the American Red Cross for use by the Department of Defense.

(3) Any cargo in case of catastrophe, lack of which would cause loss of life when other means of transportation are not available, feasible, or adequate.

§ 417.5 *Transportation of dependents.* The general policy of the Department of Defense is to prohibit travel of dependents in military aircraft unless the travel is performed in connection with permanent change of station assignment of the principal. However, under extenuating circumstances in individual cases certain exceptions may be authorized by the Secretary of Defense, Secretaries of the Military departments, Chairman of the Joint Chiefs of Staff, Chief of Staff, United States Army, Chief of Naval Operations; Chief of Staff, United States Air Force; and the Commandant of the Marine Corps to allow accompanying travel of dependents on a space-available basis.

§ 417.6 *Service attachés and mission chiefs (including MDAP and other specialized military missions)* Attaches and military mission chiefs are authorized to permit personnel of the following categories to ride as passengers in attache or mission aircraft on a space-available nonreimbursable basis within their sphere of accreditation:

(a) Individuals listed in, and under the conditions of, § 417.4.

(b) United States ambassadors and ministers, or in their absence charge d'affaires, and members of their staffs designated by the ambassador, minister, or charge d'affaires for the conduct of urgent Government business, except for normal permanent change of stations of such personnel.

(c) Distinguished nationals and members of the armed forces of foreign countries.

(d) Accompanying travel of dependents of attache, mission, or military commission personnel.

(e) *Use of attache aircraft by members of the Congress.* In those instances where Congressional committees or members thereof find it necessary while abroad to request travel in Air Force or Navy aircraft allocated to the attaches or military missions, such trips may be authorized if commercial facilities are not available, if such use of the attache or mission aircraft will not interfere in any way with the normally assigned mission of the aircraft, and provided that the purpose of the trip is specifically indicated by the chairman of the committee or subcommittee or member as being essential to the mission of the committee, subcommittee, or member. Immediately after such flights the attache will report to the Chief of Naval Operations or the Chief of Staff, United States Air Force, as appropriate, the following information:

(1) Explanation of circumstances which made the flight desirable.

(2) Dates of departure and return.

(3) List of passengers, with justification for presence of each.

(4) Destination of passengers.

(5) Stops en route and reasons therefor.

(f) Prior approval for travel outside the sphere of accreditation for all passengers not included in § 417.4 must be obtained from the Chief of Staff, United States Army; Chief of Naval Operations; or Chief of Staff, United States Air Force.

§ 417.7 *Additional authorizations.* (a) Within the limitations imposed by public law and joint regulations, the Chief of Staff, United States Army; Chief of Naval Operations; Chief of Staff, United States Air Force, or the commander of any oversea echelon reporting direct to the Departments of the Army, Navy, or Air Force may authorize the following transportation without reimbursement: Any traffic, when the transportation is primarily of official concern to the Department of Defense. While nothing contained herein is intended to infringe upon the prerogatives of theater commanders, no such transportation will be authorized unless it is of direct concern to the Department of Defense and is required for the accomplishment of a military mission.

(b) The Secretary of Defense will act on all requests for nonreimbursable transportation received from the following Federal officials: (Requests received by subordinate commands for transportation of officials or accompanying travel of dependents will be forwarded to the appropriate military department for action.)

(1) Officials of other executive departments or agencies or the judicial branch.

(2) Officials of the legislative branch, except as provided in § 417.6 (e)

NOTE: Members of Congress who hold valid Reserve status in the Army, Navy, Air Force, Marine Corps, or Coast Guard may continue to utilize air transportation in accordance with the provisions of § 417.4.

(c) Commands listed in § 417.11 may authorize nonreimbursable travel for:

(1) Representatives of information media (that is, press, radio, news, and so forth) on assignments to cover military events upon approval from the department concerned. (In addition, these representatives may be furnished transportation in the event of spot news stories of transcendent National interest for which commercial or charter facilities cannot be obtained.)

(2) Inspection personnel of the Civil Aeronautics Administration when engaged in the examination of rated pilot personnel of the armed services for civil pilot certificates or ratings.

(d) Cases arising at Army, Navy, or Air Force installations not covered by this part will be referred to the Chief of Staff, United States Army; Chief of Naval Operations; or Director of Transportation, Headquarters United States Air Force, Washington 25, D. C., depending on the installation involved, with complete information for decision.

§ 417.8 *Travel with reimbursement.* In cases not covered by other authority in this part, the Departments of the Army, the Navy and the Air Force may provide air transportation with reimbursement therefor, and subject to other

restrictions, in accordance with the provisions of applicable law, when the traffic is of official concern to the executive departments or agencies, or to the legislative or judicial branches of the Government. Requests for transportation in this category should be directed to the departments concerned with procurement authority chargeable or a clear indication of the method by which reimbursement is to be accomplished.

§ 417.9 *Authority for certain non-Governmental transportation.* To facilitate Department of Defense operations at home and abroad, non-Governmental passengers and cargo not within the scope of the foregoing provisions may be furnished air transportation by the Departments of the Army, the Navy, or the Air Force to or from places outside the continental United States, with reimbursement therefor, at not less than current commercial rates (including taxes) on certification by the head of the interested executive department or agency that the furnishing of such transportation is in the National interest. In cases covered in this section it will be within the purview of the Secretary of the Army, the Navy, or the Air Force to refuse to authorize the transportation, if considered advisable.

§ 417.10 *General policy on non-Governmental transportation.* As a general policy, the aviation organizations of the armed forces shall not be placed in a position of competing with United States commercial transportation. Therefore, in no case will air transportation under the provisions of §§ 417.8 and 417.9 be provided on any given route, if, in the opinion of the Departments of the Army, Navy, or Air Force, United States civil air carriers adequate to handle the traffic are in operation on the route.

§ 417.11 *Delegation of authority.* The following commands may authorize nonreimbursable travel for the individuals listed in § 417.7 (c)

Department of the Army: Chief of Staff, United States Army; Commanding Generals, Oversea Commands; Commanding Generals, Continental Armies and Military District of Washington; Chief, Army Field Forces.

Department of the Navy: Chief of Naval Operations; Commanders-in-Chief of Fleets; Commandant, U. S. Marine Corps; Commanding Generals, Fleet Marine Forces; Commanding Generals, Air Fleet Marine Forces; Commander, Air Force, Atlantic Fleet; Commander, Air Force, Pacific Fleet; Chief of Naval Air Training; Commanders, Sea Frontiers; Commandants, Naval Districts and River Commands; Commandant, Coast Guard (when assigned Navy for operational control); Naval Force Commanders.

Department of the Air Force: Chief of Staff, United States Air Force; Commanders, Major Air Commands, Zone of Interior and Overseas; Commander, Civil Air Patrol, United States Air Force.

Delegation of this authority below these listed commands is not authorized.

§ 417.12 *Certification.* In all cases when transportation is authorized in accordance with § 417.4 (b) (g) and (h) the following certificate will be accomplished for each individual.

I, _____, hereby certify that my request for, and acceptance of, transportation via military aircraft is not for personal gain nor will the business conducted in connection with this trip result in any form of remuneration to the undersigned.

_____
_____

Witnessed:

_____
_____

§ 417.13 *Release from claim for injury or death.* Personnel specified in § 417.4 (d) (e) (f) and (k) § 417.6 (c) and § 417.7 (c) (1) will be required to sign the release form specified below, unless otherwise exempt when physically or mentally unable or in an emergency under the provisions of this part.

RELEASE

_____
(Place)

_____
(Date)

Know All Men By These Presents: Whereby, I _____ am about to take a flight or flights as a passenger in certain Army, Navy, and/or Air Force aircraft on _____, and whereas I am doing so entirely upon my own initiative, risk, and responsibility; now, therefore, in consideration of the permission extended to me by the United States, through its officers and agents to take said flight or flights, I do hereby, for myself, my heirs, executors, and administrators, remiss, release and forever discharge the Government of the United States and all its officers, agents, and employees, acting officially or otherwise, from any and all claims, demands, actions, or causes of action, on account of my death or on account of any injury to me or my property which may occur from any cause during said flight or flights or continuances thereof, as well as all ground and flight operations incident thereto.

_____
(Signature)

_____
(Witness)

_____
(Witness)

_____
(Name of person to be notified in emergency)

_____
(Address of person to be notified in emergency)

WIL E. BERGEN,
Major General, U. S. Army,
The Adjutant General.
FRANK T. WATKINS,
Rear Admiral, U. S. Navy,
Deputy Chief of Naval Operations (Administration).
K. E. THIEBAUD,
Colonel, U. S. Air Force,
Air Adjutant General.

[F. R. Doc. 53-10603; Filed, Dec. 22, 1953; 8:45 a. m.]

TITLE 36—PARKS, FORESTS, AND MEMORIALS

Chapter I—National Park Service, Department of the Interior

PART 20—SPECIAL REGULATIONS

DEATH VALLEY NATIONAL MONUMENT

Section 20.26, entitled *Death Valley National Monument,* is amended to read as follows:

§ 20.26 *Death Valley National Monument*—(a) *Mining.* Mining in Death Valley National Monument is subject to the following regulations, which are prescribed to govern the surface use of claims therein:

(1) The claim shall be occupied and used exclusively for mineral exploration and development and for no other purpose except that upon written permission of an authorized officer or employee of the National Park Service the surface of the claim may be used for other specified purposes, the use to be on such conditions and for such period as may be prescribed when permission is granted.

(2) The owner of the claim and all persons holding under him shall conform to all rules and regulations governing occupancy of the lands within the National Monument.

(3) The use and occupancy of the surface of mining claims as prescribed in subparagraphs (1) and (2) of this paragraph shall apply to all such claims located after the date of the act of June 13, 1933 (48 Stat. 139; 16 U. S. C. 447), within the limits of the National Monument as fixed by Proclamation No. 2028 of February 11, 1933, and enlarged by Proclamation No. 2228 of March 26, 1937, and to all mining claims on lands hereafter included in the National Monument, located after such inclusion, so long as such claims are within the boundaries of said Monument.

(4) Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining written permission from an authorized officer or employee of the National Park Service. Applications for permits shall be accompanied by a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee's maintaining the road or trail in a passable condition as long as it is used by the permittee or his successors.

(5) From and after the date of publication of this section, no construction, development, or dumping upon any location or entry, lying wholly or partly within the areas set forth in subdivisions (i) to (iii) of this subparagraph, shall be undertaken until the plans for such construction, development, and dumping, insofar as the surface is affected thereby, shall have been first submitted to and approved in writing by an authorized officer or employee of the National Park Service: *Provided,* That bona fide locations, entries, and patents to which vested rights under the mining laws of the United States exist as of the date of publication of this section, shall not be affected by this subparagraph:

(i) All land within 200 feet of the center line of any public road.

(ii) All land within the smallest legal subdivision of the public land surveys, containing a spring or water hole, or within one quarter of a mile thereof on unsurveyed public land.

(iii) All land within any site developed or approved for development by the National Park Service as a residential, administrative, or public campground site. Such sites shall include all land within

the exterior boundaries thereof as conspicuously posted or, if not so posted, all land within 1,000 feet of any federally owned buildings, water and sewer systems, road loops, and camp tables and fireplaces set at designated camp sites.

(b) *Use of water* No works or water system of any kind for the diversion, impoundment, appropriation, transmission, or other use of water shall be constructed on or across Monument lands, including mining claims, without a permit approved by an authorized officer or employee of the National Park Service. Application for such permit shall be accompanied by plans of the proposed construction. The permit shall contain the following conditions: (1) No diversion and use of the water shall conflict with the paramount general public need for such water; (2) such water systems shall include taps or spigots at points to be prescribed by the Superintendent, for the convenience of the public; and (3) all appropriations of water, in compliance with the State water laws, shall be made for public use in the name of the United States and in accordance with instructions to be supplied by an authorized officer or employee of the National Park Service.

(c) *Permits.* Application for any permit required by this section shall be made through the Superintendent of the Monument.

(Sec. 3, 39 Stat. 535, as amended; 16 U. S. C. 3. Interprets or applies sec. 3, 48 Stat. 139; 16 U. S. C. 447)

Issued this 17th day of December 1953.

DOUGLAS MCKAY,
Secretary of the Interior

[F. R. Doc. 53-10607; Filed, Dec. 22, 1953; 8:45 a. m.]

Chapter II—Forest Service, Department of Agriculture

PART 231—GRAZING

GRAZING PREFERENCES

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35, 16 U. S. C. 551) as amended by the act of February 1, 1905 (33 Stat. 628, 16 U. S. C. 472) and the act of April 24, 1950 (64 Stat. 85, 16 U. S. C. 580) Regulation G-4 of the regulations governing the occupancy, use, protection, and administration of the National Forests, which constitutes § 231.4, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 231.4 *Grazing preferences.* (a) The Chief of the Forest Service is hereby authorized to prescribe the conditions under which grazing preferences in the use of the national-forest range may be established and recognized, including:

(1) Establishment of base property and livestock-ownership standards required of grazing-preference holders.

(2) Waiver and transfer of grazing preferences in connection with change of ownership of base property or permitted livestock.

(3) Approval of nonuse of grazing preferences for specified periods.

(4) Establishment of upper limits, for each National Forest or portion thereof, governing size of grazing preferences.

(b) A grazing preference is not a property right. Preferences in the use of national-forest range are approved for the exclusive use and benefit of the persons to whom allowed.

(Sec. 1, 30 Stat. 35, as amended; 16 U. S. C. 551. Interprets or applies sec. 1, 33 Stat. 628, 64 Stat. 85; 16 U. S. C. 472)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the city of Washington, D. C., this 18th day of December 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-10640; Filed, Dec. 22, 1953; 8:51 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 5—CENTRAL COMMITTEE ON WAIVERS AND FORFEITURES AND FIELD COMMITTEES ON WAIVERS

MISCELLANEOUS AMENDMENTS

1. In § 5.0, paragraphs (b) and (c) are amended to read as follows:

§ 5.0 *Overpayments that may be considered.* * * *

(b) In any case where a subsistence allowance overpayment that was made to a veteran for any period beginning on or after July 13, 1950, has not been recovered or waived, these committees have jurisdiction under section 7, Public Law 610, 81st Congress, to determine, after a hearing, whether the overpayment was the result of willful or negligent failure of a school to report to the Veterans' Administration, as required by applicable regulation or contract, unauthorized or excessive absences from a course in which the veteran has enrolled or the discontinuance or interruption of a course by the veteran, and to determine the school's liability for such overpayment. As to the liability of the school, a field committee on waivers may make a determination irrespective of amount, but the procedure and principles set forth in § 21.113 of this chapter are for application. In any case referred under said section 7, the committee on waivers will assume jurisdiction over both the school and the veteran and in making a final determination may (1) waive recovery if it finds that relief should be afforded to the veteran pursuant to existing regulations; or (2) determine whether there is negligence and liability as to the school (a finding that the school is not liable will require recovery from the veteran unless the overpayment is waived as to him) or (3) hold both liable if it finds that the veteran is not entitled to relief, and that there was willful or negligent failure on the part of the school. A waiver as to the veteran will automatically preclude recovery from the school. In the event a hearing is not requested, the action of the committee will be based upon the record. Hearings will be held by regional committees on waivers when requested irrespective of the amount involved.

(c) In any case where the provisions of section 266 of the Veterans' Readjustment Assistance Act of 1952 (Public Law 550, 82d Congress) are applicable, the liability of the educational institution or training establishment will be determined according to the provisions of § 21.2304 of this chapter. These committees have jurisdiction to consider all overpayments of education and training allowance and are authorized to determine under section 271 of said statute whether recovery of the overpayment or any part thereof may be waived as to the veteran. The finance activity in submitting such cases for consideration and the committee on waivers or the central committee on waivers and forfeitures in its decision will be guided by established procedure and policy in regard to overpayments. As to the liability of the educational institution or training establishment, a field committee on waivers may make a determination irrespective of amount, subject to the procedure and principles prescribed by § 21.2304 of this chapter.

* * * * *

2. Section 5.2 is revised to read as follows:

§ 5.2 *Scope of decisions.* The jurisdiction of committees on waivers, including the central committee on waivers and forfeitures, is limited to consideration of waiver or nonwaiver and to questions of liability on the part of educational institutions or training establishments as provided in § 5.0 (b) and (c) A decision of nonwaiver by a committee leaves to the finance or accounting officers the manner of recovery or collection. It is within the discretion of such committees to waive recovery as to certain persons and decline to waive recovery as to certain other persons whose claims are based on the same veteran's service. It is also within the discretion of the committees to waive or decline to waive recovery from specific benefits or sources, except that a committee shall not waive recovery out of insurance of an indebtedness secured thereby, i. e., an insurance overpayment or illegal payment made to the insured, although in appropriate cases it is proper to waive recovery of any or all of such indebtedness out of benefits other than insurance benefits then or thereafter payable to the insured.

3. In § 5.10, paragraphs (b) (3) and (e) are amended to read as follows:

§ 5.10 *Central committee on waivers and forfeitures.* * * *

(b) * * *

(3) All cases in which there is a provision for an administrative review pursuant to § 5.13 (a) or (b)

* * * * *

(e) A decision by the central committee, rendered by the concurrence of three members, including the chairman or alternate chairman, shall be final but, except as to the determinations specified in § 5.13 (b) shall be subject to an appeal to the Board of Veterans Appeals in accordance with existing appeals

regulations and procedure. The central committee shall render a final decision on any request for an administrative review of a determination that an educational institution or training establishment is liable under section 7, Public Law 610, 81st Congress or section 266, Public Law 550, 82d Congress, for an overpayment of subsistence allowance or educational and training allowance; and any such decision shall be valid if it is concurred in and signed by any two members of the specially constituted review section that is designated in § 5.13 (b)

* * * * *

4. Sections 5.12 and 5.13 are revised to read as follows:

§ 5.12 *Jurisdiction of committees in field offices.* (a) Where the amount involved is not more than $500 and the case is properly before the committee under applicable Veterans' Administration regulations and administrative issues, a district or regional committee on waivers has authority to render a decision on an overpayment or other indebtedness. Such decision is final, subject however to the right of the committee to reverse or modify its own decisions upon the receipt of new and material evidence or upon a showing of clear and unmistakable error; and subject further to the administrative review jurisdiction of the central committee on waivers and forfeitures when a request for administrative review is duly filed and except as to determinations under paragraph (c) of this section to an appeal to the Board of Veterans Appeals by a veteran or his dependent, or one so claiming, pursuant to established appeal procedure. No committee on waivers is authorized to reverse or modify a decision rendered by a committee on waivers of another field office or by the central committee on waivers and forfeitures.

(b) Except as to the cases referred to in paragraph (c) of this section, where the amount of the overpayment or other indebtedness is more than $500, it shall be referred by the committee on waivers to the central committee on waivers and forfeitures, without rendering a decision, but such committee on waivers shall furnish a brief setting for a complete statement of facts, and its recommendations as to the decision, with reasons supporting the recommendations.

(c) Determinations as to the liability of educational institutions or training establishments under section 7, Public Law 610, 81st Congress or section 266, Public Law 550, 82d Congress, shall be made by the field committees on waivers where the question has been properly submitted, regardless of whether the amount of the overpayment is more than $500, but where the amount is more than $2,500 there must be an administrative review as prescribed by §§ 21.113 and 21.2304 of this chapter.

§ 5.13 *Administrative reviews.* The central committee on waivers and forfeitures has authority to make administrative reviews of decisions of committees on waivers.

(a) Except as provided in paragraph (b) of this section a request for an administrative review of a decision of a committee on waivers may be made by (1) the claimant, his guardian, his agent duly authorized over the claimant's signature, or (2) on the part of the Veterans' Administration, by the manager of the district or regional office. The request must be in writing and, unless the committee extends the time, shall be presented within 60 days from receipt of notice of the field committee's action. An additional period of 30 days may be granted when, in the committee's judgment, exceptional circumstances justify. A decision rendered upon administrative review by the central committee on waivers and forfeitures shall be subject to the right of any Deputy Administrator or Assistant Deputy Administrator concerned or the General Counsel to appeal to the Administrator of Veterans Affairs within 1 year from the date thereof with decisions to be made by the Board of Veterans Appeals.

(b) The central committee on waivers and forfeitures has authority to act for the Administrator of Veterans Affairs in making administrative reviews of determinations by a committee on waivers that an educational institution or training establishment is, or is not, liable under section 7, Public Law 610, 81st Congress, or section 266, Public Law 550, 82d Congress for an overpayment to a veteran or to a dependent of a veteran.

(1) There is established in the central committee on waivers and forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the chairman, central committee on waivers and forfeitures, one by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, and one by the General Counsel. This section will function under the jurisdiction of the chairman of the central committee on waivers and forfeitures who will preside over the meetings of said section or will designate one member to preside in his stead, to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional committee on waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school or training establishment and received by the Veterans' Administration regional office within 60 days from the date notice of the decision is mailed to the school or training establishment, or within 90 days if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committees but no expenses of claimant or his witnesses, if any, are payable by the Veterans' Administration.

(iii) Any case in which an administrative review is requested by the regional manager of the office concerned or by the Assistant Deputy Administrator for Vocational Rehabilitation and Education within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the central committee on waivers and forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving over $2,500.

(2) The review section will notify the Veterans' Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional committee on waivers in any case where the review section of the central committee reverses a finding made by the regional committee that the school or training establishment was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence. The regional committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply secs. 23, 504, 43 Stat. 615, 629, as amended, sec. 4, 46 Stat. 529, as amended, secs. 11, 15, 48 Stat. 10, 11, sec. 9, 50 Stat. 662, sec. 1, 53 Stat. 1252, secs. 1, 609, 54 Stat. 1193, 1013, secs. 1, 4, 57 Stat. 554, 555, sec. 1500, 58 Stat. 300, sec. 1, 69 Stat. 903, sec. 9, 65 Stat. 35, Vet. Reg. 1 (a), Part VIII, as amended, secs. 270, 271, 66 Stat. 681; 38 U. S. C. 33, 36, 453, 507a, 510, 555, 697, 715, 717 note, 727, 728, 739, 809, 853, ch. 12 note)

This regulation is effective December 23, 1953.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-10644; Filed, Dec. 22, 1953; 8:52 a. m.]

PART 6—UNITED STATES GOVERNMENT LIFE INSURANCE

PART 8—NATIONAL SERVICE LIFE INSURANCE

REENTRANCE ON ACTIVE SERVICE FOR PURPOSES OF PREMIUM WAIVER

1. In Part 6, paragraph (f) of § 6.185 is amended to read as follows:

§ 6.185 *Premium waiver on United States Government life insurance under section 622 of the National Service Life Insurance Act, as amended.* * * *

(f) If an insured reenters active service during the 120-day period following separation from active service and premiums on his United States Government life insurance are being waived under this section on the date of reentry, such reentrance for the purposes of premium waiver under section 622 shall be deemed to be a continuation of the previous active service. In such cases the waiver of premiums under this section will continue during the insured's continuous active service following reentry and 120 days thereafter unless otherwise termi-

nated in accordance with the provisions of this section.

* * * * *

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 6, 65 Stat. 35; 38 U. S. C. 11a, 426, 707, 855. Interprets or applies secs. 300, 301, 43 Stat. 624, as amended; 38 U. S. C. 511, 512)

2. In Part 8, paragraph (f) of § 8.113 is amended to read as follows:

§ 8.113 *Premium waiver under section 622 of the National Service Life Insurance Act, as amended.* * * *

(f) If an insured reenters active service during the 120-day period following separation from active service and premiums on his National Service life insurance are being waived under this section on the date of reentry, such reentrance for the purposes of premium waiver under section 622 shall be deemed to be a continuation of the previous active service. In such cases the waiver of premiums under this section will continue during the insured's continuous active service following reentry and 120 days thereafter unless otherwise terminated in accordance with the provisions of this section.

* * * * *

(Sec. 608, 54 Stat. 1012, as amended, sec. 6, 65 Stat. 35; 38 U. S. C. 808, 855. Interprets or applies sec. 602, 54 Stat. 1009, as amended; 38 U. S. C. 802)

This regulation is effective December 23, 1953.

[SEAL] H. V HIGLEY,
Administrator of Veterans Affairs.

[F. R. Doc. 53-10642; Filed, Dec. 22, 1953; 8:52 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART A—EDUCATIONAL BENEFITS

OVERPAYMENTS OF SUBSISTENCE ALLOWANCE AND OTHER BENEFITS; REPAYMENT OF VALUE OF TRAINING SUPPLIES

1. Section 21.113 is revised to read as follows:

§ 21.113 *Overpayments of subsistence allowance and other benefits*—(a) *Bar against further education or training on account of outstanding overpayments.* Where a veteran has failed to make arrangements with the finance activity to restore or refund an outstanding overpayment of benefits made under Veterans' Administration laws, and due the Government, the educational benefits activity may not thereafter reenter the veteran into training. In any such instance, the educational benefits activity will be responsible for giving proper notification to the veteran and the institution.

(b) *Liability of institution on account of outstanding overpayments to veterans pursuant to section 7 Public Law 610, 81st Congress (This does not cover damages for breach of contract)* (1) Section 7, Public Law 610, 81st Congress, provides:

Paragraph 5 of Part VIII, Veterans Regulation Numbered 1 (a), as amended, is hereby amended by inserting "(a)" immediately after "5" and adding a new subparagraph (b) as follows:

(b) In any case where it is found that an overpayment to a veteran of subsistence allowance (which overpayment has not been recovered or waived) is proved in a hearing before the committee on waivers of the appropriate Veterans' Administration regional office to be the result of willful or negligent failure of the school to report, as required by applicable regulation or contract, to the Veterans' Administration unauthorized or excessive absences from a course, or discontinuance or interruption of a course by the veteran, the amount of such overpayment shall, at the discretion of the Administrator, constitute a liability of the school for such failure to report, and may be recovered by an off-set from amounts otherwise due the school or in other appropriate action: *Provided,* That any amount so collected shall be reimbursed if the overpayment is received from the veteran. This amendment shall be construed as applying only to matters arising after the effective date of this amendment, and shall not preclude the imposition of any civil or criminal action under any other statute.

(2) Question of waiver, or nonwaiver, as to veterans is governed by existing Veterans' Administration Regulations and instructions concerning waiver of overpayments. A school may be found liable or not liable for an overpayment of subsistence allowance. However, there is no authority to waive the liability of a school.

(3) Overpayments to a veteran (if not waived as to, or recovered from him) as set forth in subparagraph (1) of this paragraph, shall constitute a liability of the school if it is found that they were caused by failure to report, which was due to:

(i) Willfulness on the part of an official or employee of the institution; or

(ii) The result of collusion of an official or an employee of the institution and the veteran; or

(iii) Negligence on the part of the institution in failing to make report; or

(iv) Failure of the school to establish proper procedures to detect unauthorized or excessive absences from a course, or the discontinuance or interruption of a course by the veteran.

(4) Liability of the school for overpayments to veterans will not be established if it be found that notwithstanding they were caused by failure to report, there were adequate reasons or mitigating circumstances showing absence of negligence such as:

(i) The institution has an operating procedure that is adequate for reporting to the Veterans' Administration, timely and pertinent information notwithstanding which isolated instances occur of failure to submit a notice promptly.

(ii) Notification to the Veterans' Administration was executed and signed by an official of the school, but the report was delayed through inadvertent failure of an employee to place it in the mails or to otherwise properly forward it to the Veterans' Administration.

(iii) The failure to report was due to a mere clerical or human error.

(iv) There had occurred no prior overpayment resulting from failure of the school to promptly submit a required report and it is shown that the school had not received a copy of the governing regulations or other notice in writing (in addition to the notice given by provisions of the contract or the statute) of its responsibility to make prompt reports.

(5) The determination as to liability will be made after notice to the school of intent to apply the liability provisions of section 7, Public Law 610, or, if the school files written request for a hearing within 30 days of receipt of such notice, after such formal hearing has been afforded.

(6) There is hereby delegated to the committee on waivers of the regional office of jurisdiction the authority to determine the existence or nonexistence of liability under the criteria set forth in this paragraph, subject to the provisions of paragraph (e) of this section.

(c) *Reimbursement to institution.* In any case wherein an overpayment of subsistence allowance has not been waived or recovered from the veteran and has been fully recovered from the school, any future recovery from the veteran is to be refunded to the school. If such a veteran subsequently makes arrangement with the finance officer to restore the amount of overpayment to the Veterans' Administration, for example, a veteran who wishes to reenter a course of education or training, any amount so recovered will be reimbursed to the school.

(d) *Responsibility of the educational benefits section.* The educational benefits section will be responsible for determining whether there is prima facie evidence to indicate that an overpayment of subsistence allowance is the result of willful or negligent failure on the part of the school to report to the Veterans' Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Only those cases in which adequate prima facie evidence is of record will be referred to the finance division and the committee on waivers for possible recovery action against the school.

(e) *Administrative review.* (1) There is established in the central committee on waivers and forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the chairman, central committee on waivers and forfeitures, one by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, and one by the General Counsel. This section will function under the jurisdiction of the chairman of the central committee on waivers and forfeitures who will designate one member to preside over the meetings of said section to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The review section that is constituted in this section will have jurisdiction to conduct administrative reviews of the decisions of the regional committee on waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the

school and received by the Veterans' Administration regional office within 60 days from the date notice of the decision holding the school liable for the overpayment is mailed to the school, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant or his witnesses, if any, are payable by the Veterans' Administration.

(iii) Any case in which an administrative review is requested by the regional manager of the office concerned or by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the Central Committee on Waivers and Forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving an amount in excess of $2,500.

(2) The review section will notify the Veterans' Administration regional office of jurisdiction and the school of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers, in any case where the review section of the central committee reverses a finding made by the regional committee that the school was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence, provided such evidence is forwarded by the school to the Veterans' Administration regional office within 30 days of the date on which notice of the review section's decision was mailed to the school. The regional committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(f) *Contractual liability.* Nothing in the statute or the regulations of this section changes any liability arising under contracts during any period prior to July 13, 1950.

(g) *Contracts between a State or political subdivision of a State and the Veterans' Administration.* Notwithstanding the criteria contained in paragraphs (a) through (f) of this section for determination of liability of an institution it is provided by Public Law 149, 83d Congress, that under any contract between a State, or any political subdivision of a State, and the Veterans' Administration providing for the furnishing of instruction in a course of institutional on-farm or other training under Part VIII of Veterans Regulation 1 (a) as amended (Public Law 346, 78th Congress, as amended, 38 U. S. C. ch. 12), liability by reason of payments of subsistence allowance which were illegal because of failure of the veteran or the course to comply with the applicable statutory, regulatory, or contractual requirements shall not be applied to the contracting State, or political subdivision, unless the Veterans' Administration, after investigation, finds that an employee or representative of such State, or political subdivision, conspired with the veteran by, or was guilty of fraud or gross negligence in, falsely reporting to the Veterans' Administration that the veteran was in a proper course of training, failing to report unauthorized or excessive absences from, or interruption of discontinuance of, his course of training, or not discovering the failure of the veteran to comply with the applicable statutory, regulatory, or contractual requirements and not promptly terminating the course of training of the veteran. The provisions of this proviso shall be effective as of July 13, 1950, but shall not require repayment of any funds heretofore properly recovered by agreement of the parties to any such contract, and shall not be applicable to any other liabilities or agreements pursuant to such contract.

2. In § 21.114, paragraph (a) is amended to read as follows:

§ 21.114 *Repayment of value of training supplies; Part VIII, Veterans Regulation 1 (a) as amended (38 U. S. C. ch. 12)* (a) Supplies furnished a trainee are deemed released to him and should not be marked to indicate ownership by the United States. A trainee will not be required to repay the value of consumable supplies nor will he be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training if he has turned them in to a school which effects recovery of nonconsumable supplies through contractual arrangements with the Veterans' Administration. In all other cases a trainee will not be required to pay the reasonable value of nonconsumable supplies in the event he fails to complete his course of education or training unless it be determined that his failure to do so was because of fault on his part and, in making such determination, the trainee will be given the benefit of any reasonable doubt. Determination of the presence or absence of fault will be made by the educational benefits representative, and the findings will be filed in the R&E folder.

* * * * *

(Sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9, sec. 2, 57 Stat. 43, as amended, sec. 400, 58 Stat. 287, as amended; 38 U. S. C. 11a, 701, 707, ch. 12 note. Interpret or apply secs. 3, 4, 57 Stat. 43, as amended, secs. 300, 1500–1504, 1506, 1507, 58 Stat. 286, 300, as amended; 38 U. S. C. 693g, 697–697d, 697f, g, ch. 12 note)

This regulation is effective December 23, 1953.

[SEAL] H. V. STIRLING,
Deputy Administrator.

[F. R. Doc. 53-10643; Filed, Dec. 22, 1953; 8:52 a. m.]

PART 21—VOCATIONAL REHABILITATION AND EDUCATION

SUBPART E—VETERANS' READJUSTMENT ASSISTANCE ACT OF 1952

CONDITIONS GOVERNING PAYMENT OF EDUCATION AND TRAINING ALLOWANCE; LIABILITY OF EDUCATIONAL INSTITUTION OR TRAINING ESTABLISHMENT FOR OVERPAYMENTS

1. In § 21.2051, a new paragraph (b) (1) is added as follows:

§ 21.2051 *Conditions governing payment of education and training allowance.* * * *

(b) * * *

(1) Where the vacation period of the school extends beyond the end of a month, a veteran enrolled in such a school may be permitted to complete his monthly certification of training on the last day of scheduled attendance in that month certifying as to attendance through such date and to submit the form to the school prior to departure for the vacation. In such a case the certification to cover attendance in a nonaccredited course will show the succeeding days in that month as days of nonattendance and the certification covering an accredited course will be deemed to show the veteran to have been enrolled in and pursuing his course to the end of the month, except that in the event training is not resumed after the vacation period interruption will be effective as of the last date of actual attendance. (See § 21.2056 (b) (9).) The same principles will apply in the case of a veteran who completes his final examinations and departs from the school prior to the official closing date of the school term.

* * * * *

2. Section 21.2304 is revised to read as follows:

§ 21.2304 *Liability of educational institution or training establishment on account of overpayments of education and training allowances, section 266, Public Law 550, 82d Congress*—(a) *Conditions governing determinations of liability of an institution or training establishment for overpayments of education and training allowances to veterans.* (1) Section 266 of Public Law 550, 82d Congress, provides:

In any case where it is found by the Administrator that an overpayment has been made to a veteran as the result of (1) the willful or negligent failure of the educational institution or training establishment to report, as required by this title and applicable regulations to the Veterans' Administration excessive absences from a course, or discontinuance or interruption of a course by the veteran or (2) false certification by the educational institution or training establishment, the amount of such overpayment shall constitute a liability of such institution or establishment, and may be recovered in the same manner as any other debt due the United States: *Provided*, That any amount so collected shall be reimbursed if the overpayment is recovered from the veteran. This provision shall not preclude the imposition of any civil or criminal action under this or any other statute.

(2) Question of waiver, or nonwaiver, as to veterans is governed by existing

Veterans' Administration regulations and instructions concerning waiver of overpayments. A school or training establishment may be found liable or not liable for an overpayment of education and training allowance. However, there is no authority to waive the liability of a school or training establishment. Waiver as to the veteran will not relieve the school or training establishment of liability, but recovery in whole or in part from the veteran will limit such liability accordingly.

(3) Overpayments to a veteran (if not recovered from him) as set forth in subparagraph (1) of this paragraph, shall constitute a liability of the school or training establishment if it is found that they were caused by a false certification by the school or training establishment. Liability resulting from a false certification is not contingent upon willfulness or negligence but simply upon a finding that the overpayment to the veteran resulted from a certification which is contrary to fact.

(4) Liability other than for the submission of a false certification by the school or training establishment shall be imposed for overpayments to a veteran, as set forth in subparagraph (1) of this paragraph, if it is found that they were caused by failure to report excessive absences from a course or the discontinuance or interruption of a course which failure was due to:

(i) Willfulness on the part of an official or employee of the school or training establishment; or

(ii) The result of collusion of an official or an employee of the school or training establishment and the veteran; or

(iii) Negligence on the part of the school or training establishment in failing to make report; or

(iv) Failure of the school or training establishment to establish proper procedures to detect unauthorized or excessive absences from a course, or the discontinuance or interruption of a course by the veteran.

(5) In cases comprehended by subparagraph (4) of this paragraph, the school or training establishment will not be held to have been negligent in failing to report where there exist adequate reasons or mitigating circumstances showing absence of negligence, such as:

(i) The school or training establishment has an operating procedure that is adequate for reporting to the Veterans' Administration timely and pertinent information notwithstanding which isolated instances occur of failure to submit a notice promptly.

(ii) Notification to the Veterans' Administration of a change in a veteran's training status was executed and signed by an official of the school or training establishment, but the report was delayed through inadvertent failure of an employee to place it in the mails or to otherwise properly forward it to the Veterans' Administration.

(iii) There had occurred no prior overpayment resulting from failure of the school or training establishment to promptly submit a required report and it is shown that the school or training establishment had not received a copy of the governing regulations or other notice in writing (in addition to the notice given by the statute) of its responsibility to make prompt reports.

(iv) The failure was due to a mere clerical or human error.

(6) The determination as to whether a school or training establishment is liable will be made after notice to the school or training establishment of intent to apply the liability provisions of section 266, Public Law 550, or, if the school or training establishment files written request for a hearing within 30 days of receipt of such notice, after such formal hearing has been afforded.

(7) Subject to the conditions of paragraph (d) (1) (v) of this section, the committee on waivers of the regional office of jurisdiction is delegated the authority to determine the existence or nonexistence of liability under the criteria set forth in subparagraphs (3) through (6) of this paragraph.

(b) *Reimbursement to school or training establishment.* In any case wherein an overpayment of education and training allowance has not been recovered from the veteran and has been recovered from the school or training establishment, the amount of any such future recovery from the veteran is to be refunded to the school or training establishment. If a veteran subsequently makes arrangement with the finance officer to restore the amount of overpayment to the Veterans' Administration, for example, a veteran who wishes to reenter a course of education or training, any amount so recovered will be reimbursed to the school or training establishment.

(c) *Responsibility of the educational benefits section.* The educational benefits section will be responsible for determining whether there is prima facie evidence that an overpayment of education and training allowance is the result of a false certification by the school or training establishment, or where such is not present for determining whether there is prima facie evidence to indicate that it is the result of willful or negligent failure on the part of the school or training establishment to report to the Veterans' Administration unauthorized or excessive absences from the course, or discontinuance or interruption of a course by the veteran. Where an affirmative finding is made under either condition the case will be referred to the finance division for notification to the school or training establishment, as provided by paragraph (a) (6) of this section, and referral to the regional committee on waivers for determination of liability of the school or training establishment.

(d) *Administrative review.* (1) There is established in the central committee on waivers and forfeitures a specially constituted review section which will be comprised of three members, one of whom is to be designated by the chairman, central committee on waivers and forfeitures, one by the Assistant Deputy Administrator for Vocational Rehabilitation and Education, and one by the General Counsel. This section will function under the jurisdiction of the chairman of the central committee on waivers and forfeitures who will designate one member to preside over the meetings of said section, to be known as an alternate chairman. An administrative review decision under this paragraph will be valid if it is concurred in and signed by any two members of the review section. The section that is constituted in this paragraph will have jurisdiction to conduct administrative reviews of the decisions of the regional committee on waivers in:

(i) Any case in which the decision of the regional committee is not unanimous.

(ii) Any case in which a request for administrative review is filed by the school or training establishment and received by the Veterans' Administration regional office within 60 days from the date notice of the decision is mailed to the school or training establishment, or within 90 days, if the committee considers that this extension of time is warranted. Such request shall be in writing setting forth fully all of the contentions and errors relied upon. A hearing, if requested, will be granted by the regional committee but no expenses of claimant or his witnesses, if any, are payable by the Veterans' Administration.

(iii) Any case in which an administrative review is requested by the regional manager of the office concerned or by the Assistant Deputy Administrator for Vocational Rehabilitation and Education within the time limits specified in subdivision (ii) of this subparagraph.

(iv) Any case in which the central committee on waivers and forfeitures determines on its own motion that an administrative review is warranted.

(v) Any case involving over $2,500.

(2) The review section will notify the Veterans' Administration regional office of original jurisdiction and the school or training establishment of its decision. The decision of the review section will serve as authority for the finance activity to institute collection proceedings, if appropriate, or to discontinue collection proceedings instituted on the basis of the original decision of the regional Committee on Waivers, in any case where the review section of the central committee reverses a finding made by the regional committee that the school or training establishment was liable.

(3) The review section may review and modify its decision upon submission of new and material evidence, provided such evidence is forwarded by the school or training establishment to the Veterans' Administration regional office within 30 days of the date on which notice of the review section's decision was mailed to the school or training establishment. The regional committee will forward such evidence with its recommendation as to the effect, if any, thereof.

(Sec. 261, 66 Stat. 663)

This regulation is effective December 23, 1953.

[SEAL] H. V STIRLING,
Deputy Administrator

[F. R. Doc. 53-10645; Filed, Dec. 22, 1953; 8:52 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

[Docket No. 10637]

PART 3—RADIO BROADCAST SERVICES

COLOR TELEVISION TRANSMISSIONS

In the matter of amendment of the Commission's Rules Governing Color Television Transmissions. By the Commission: Commissioners Webster, Sterling and Lee concurring with separate statements; Commissioner Hennock present but not voting.

I. *Preliminary statement.*

1. On August 7, 1953, the Commission issued a Notice (FCC 53–1015) instituting rule-making proceedings looking toward the adoption of new signal specifications for color television transmissions to replace the present rules and standards. Petitions requesting such action had been filed by the Radio Corporation of America (RCA) and the National Broadcasting Company, Inc. (NBC) jointly the National Television System Committee (NTSC) [1] the Philco Corporation; Sylvania Electric Products, Inc., the General Electric Company and Motorola, Inc. All of the above petitioners urged the adoption of color television signal specifications advanced by the NTSC.

2. In accordance with the Commission's Notice formal comments supporting the adoption of the proposed new signal specifications for color television transmissions were filed by Columbia Broadcasting System, Inc. (CBS) Hazeltine Corporation; Admiral Corporation; Westinghouse Radio Stations, Inc., and Harry R. Lubcke. In addition, the Commission accepted as comments in the proceeding the petitions referred to above; and NTSC filed additional material in support of the adoption of new rules.

3. Oppositions to the adoption of the signal specifications as proposed were filed by Paramount Television Productions, Inc., Chromatic Television Laboratories, Inc., American Television, Inc., and Marshall Soghoian and S. L. Cooke, Jr., Richmond, Virginia.

4. We believe that a brief review of prior Commission proceedings and activity relating to color television will be helpful.

5. The Commission has concerned itself with the development of a commercially practicable color television system in formal proceedings since 1940.[2] In addition, the Commission and the industry have conducted studies, investigations, and experimentation in the field of color television. Finally, on October 10, 1950, the Commission adopted Rules and Engineering Standards for color television based upon the "field sequential" system of color television, one of the systems proposed in the hearing in Docket 8736. The Commission found that of the systems then before it only this system produced an acceptable color picture and that neither of the other two systems in that hearing satisfied the Commission's minimum requirements.

6. The field sequential system which the Commission standardized was, however, an incompatible system in the sense that existing receivers could not receive color transmissions in monochrome without adaptation. The Commission recognized the practical difficulties involved in commercializing an incompatible color system and indicated that had a satisfactory compatible system been ready at that time it would certainly have been desirable to adopt it.

7. A number of circumstances, not necessary to detail here, combined to prevent the commercial development of color television on the field sequential standards. The limited amount of commercial color broadcasting on these standards was short-lived, and color television broadcast equipment for the field sequential system has never been produced in quantity and is not now being produced, nor are color transmissions in accordance with the field sequential standards being broadcast or contemplated.

8. When the Commission adopted rules for color television in 1950, it recognized the need for further research and experimentation in this field. In a Public Notice (FCC 51–592) of June 11, 1951, the Commission pointed out that "In a field as relatively new as radio in general and television, in particular, there is always room for genuine programs of experimentation." In that Notice, the Commission stated, however, that in the interests of orderly procedure and stability, the following steps would be required of the proponents of new color systems:

(a) An appropriate petition must be filed requesting rule making proceedings with respect to color television standards.

(b) Representative receiver apparatus must be delivered to the Commission's laboratory at Laurel, Maryland.

(c) A signal must be put on the air in Washington, D. C., for the purpose of demonstrating the system.[4]

(d) The above tests must show to the Commission's satisfaction that the proposed system has a reasonable prospect of satisfying all of the criteria for a color television system set forth in the reports. These criteria are as follows:

(1) It must be capable of operating within a 6-megacycle channel allocation structure.

(2) It must be capable of producing a color picture which has a high quality of color fidelity, has adequate apparent definition, has good picture texture, and is not marred by such defects as misregistration, line crawl, jitter or unduly prominent dot or other structure.

(3) The color picture must be sufficiently bright so as to permit an adequate contrast range and so as to be capable of being viewed under nomal home conditions without objectionable flicker.

(4) It must be capable of operating through receiver apparatus that is simple to operate in the home, does not have critical registration or color controls, and is cheap enough in price to be available to the great mass of the American purchasing public.

(5) It must be capable of operating through apparatus at the station that is technically within the competence of the type of trained personnel hired by a station owner who does not have an extensive research or engineering staff at his disposal and the costs of purchase, operation, and maintenance of such equipment must not be so high as unduly to restrict the class of persons who can afford to operate a television station.

(6) It must not be unduly susceptible to interference as compared with the present monochrome system.

(7) It must be capable of transmitting color programs over inter-city relay facilities presently in existence or which may be developed in the foreseeable future.

9. In the early part of 1950 the NTSC, among other undertakings, commenced studies looking toward the development of a commercially practicable system of color television. The signal specifications now proposed for adoption are the product of a program of study and experimentation lasting for a period of more than two years. The NTSC during this period considered and evaluated several sets of signal specifications which employed various alternative techniques and values. On January 13, 1953, the NTSC adopted the specifications now proposed in this proceeding for field testing purposes. Numerous tests and demonstrations have been conducted to determine whether the signal specifications under consideration satisfy the Commission's criteria for a color television sys-

---

[1] The NTSC is an association of engineers and scientists interested in the development of television and its members include representatives of many of the companies engaged in the manufacture of television equipment.

[2] Marshall Soghoian and S. L. Cooke, Jr., and Otto Luther, New Preston, Connecticut, proposed alternative color television systems. In a Memorandum Opinion and Order (FCC 53–1325), adopted October 7, 1953, the Commission dismissed these comments insofar as they proposed new color systems on the grounds that the proposed color systems did not meet the specified requirements for receiving consideration by the Commission in these proceedings. (The requirements referred to are set forth below in par. 8.)

[3] 1940 (Docket No. 5806); 1944–45 (Docket No. 6651); 1946–47 (Docket No. 7896); 1949–50 (Docket No. 8736 et al.).

[4] Waiver of this requirement was requested. In the Notice of Proposed Rule Making (FCC 53–1015) issued in these proceedings the Commission determined that it was not necessary that a signal be put on the air in Washington prior to the institution of rule making. The Commission stated, however, that it would determine at a later date whether during the course of the proceeding a signal on the air in Washington will be required. It is now our view in light of all the circumstances, and particularly the demonstration held in these proceedings and the broadcast of several color programs in Washington and elsewhere that no useful purpose would be served by requiring petitioners to put a signal on the air in Washington for evaluation in these proceedings.

tem.[5] Subsequent to the adoption of the proposed signal specifications for field testing, shake-down tests were first held to determine whether the specifications merited formal testing. Thereafter, formal tests were held and the data obtained in such tests have been submitted to the Commission in this proceeding.

10. The Commission was kept advised of the progress of the NTSC in this field by means of various reports submitted to the Commission and by attendance at tests and demonstrations. Following a conference with the parties to this proceeding the Commission ordered a demonstration of the color television signal specifications proposed in this proceeding to be held in New York City under the auspices of the NTSC. Programs were transmitted over Stations WNBT (National Broadcasting Company, Inc.) WCBS-TV (Columbia Broadcasting System, Inc.) and KE2XDR (Allan B. DuMont Laboratories, Inc.) The program material consisted of representative indoor and outdoor scenes and color slides and covered a wide range of hue and chroma including strongly contrasting color patterns.

11. Proponents of the new signal specifications for color television, which are urged in place of the present rules governing color transmission, contend that the new signal specifications meet or are capable of meeting all of the Commission's criteria for a satisfactory color system, and that these specifications, in addition, are compatible with the Commission's present rules and standards for monochrome transmission. Thus, RCA-NBC states that all of the criteria are met by the proposed color specifications. Substantially the same position is advanced by Sylvania, Motorola, Admiral, Westinghouse Radio Stations, and by Harry R. Lubcke. NTSC states that the new color specifications meet Commission's criteria (1) (2) (3) (6) and (7) that transmitters and receivers of a number of manufacturers have been successfully demonstrated; but no comment is directed to the possibilities of producing low-cost receiving and transmitting equipment (criteria (4) and (5)) Philco alleges that the new signal specifications meet the Commission's technical criteria but that inexpensive receivers are not now available and the Commission should waive criterion (4) Philco concludes that adoption of these signal specifications will give a strong impetus to the scientists and engineers "to develop a satisfactory color receiving tube, capable of economical mass production, and hence color receivers that will be within the price range of the great mass of the American people." CBS maintains that the new signal specifications do not meet criteria (4) and (5) but that basic changes in circumstances warrant "less rigid application" of the criteria now than in 1950 and 1951, and that adoption of the new specifications will provide a tremendous challenge to the industry to meet the criteria sometime in the future. The views advanced by General Electric were generally similar to those of CBS.

12. Oppositions to the new color specifications have been advanced by Paramount Television Productions, Inc., Chromatic Television Laboratories, Inc., American Television, Inc. and Marshall Soghoian and S. L. Cooke, Jr. These oppositions, in common, contend that little basis now exists for a reasonable assurance that receivers under the proposed color specifications will be "cheap enough in price to be available to the great mass of the American purchasing public" and that the Commission should not adopt the proposed color specifications until such assurance is possible.

II. *Evaluation of proposed signal specifications.*

13. The Commission has before it for consideration proposed new signal specifications for color television to replace its present rules and standards governing color television. The standardization of signal specifications for the utilization of radio frequencies is always a grave undertaking with important consequences to the public and the electronics industry. Such standardization for color television is particularly important in view of the emergence of the television service as a powerful medium of mass communications. The ultimate question presented is whether the proposed signal specifications provide a reasonable basis for the development of a color television system in the public interest. In order to aid in the resolution of that question we have in our earlier considerations of the problem formulated certain criteria to serve as guide lines in the evaluation of proposed signal specifications.[6] In the discussion that follows the proposed signal specifications are evaluated in the light of the Commission's criteria based upon the evidence in the record and the observations of the Commission at the demonstrations and at the Commission's laboratory.[7]

14. *Operation within a 6-megacycle channel structure.* The Commission's first criterion for evaluating signal specifications for the transmission of color television is that it must be capable of operating within a 6 megacycle channel allocation structure.[8] The signal specifications now under consideration meet this objective. Within the same bandwidth that had been allocated to monochrome alone, the proposed system has succeeded in adding color information, while maintaining compatibility with present monochrome standards. This has been achieved by "interlacing" the color information with the luminance signal when portrayed on a picture tube in either color or monochrome;[9] and by taking advantage of the relative insensitivity of the eye to changes in hue and saturation in small areas.

15. To "interlace" the color information, a color subcarrier within the 6 megacycle channel is used. The location of this subcarrier is critical in that it must be selected so as to minimize color information visible on monochrome receivers in order to maintain to the greatest extent possible the quality of the monochrome picture. In addition, the location of the subcarrier must be well removed from the picture carrier and sufficiently removed from the sound carrier to avoid interference. The objectives with respect to the location of the subcarrier, although not fully at-

[5] In order to conduct the field testing of the NTSC signal specifications for color television, Panel 16 was established. The responsibility for insuring "by actual observations during field tests that the proposed standards would result in a signal which will satisfactorily operate color receivers and provide the public with service which, in color, is comparable in performance to that established by the monochrome standards" was delegated to this Panel. At the conclusion of its field test program Panel 16 was composed of 109 engineers. The group averaged from 15 to 20 years' experience and included among its members 18 Fellows and 30 Senior Members of the IRE. The Panel was in existence for more than 2 years and a total of 126 engineers were in some way officially connected with it; and many other persons actively participated in its work as receiver operators, unofficial observers, or in some other capacity. In addition, RCA-NBC held several tests to obtain (1) an engineering evaluation of the proposed specifications by trained technical personnel; and (2) reaction of public opinion with respect to the color picture (conducted by Opinion Research Corporation).

[6] Criteria are set forth above, paragraph 8.

[7] A description of color television transmissions in accordance with the proposed signal specifications is attached hereto in Appendix A.

[8] The amount of picture detail which can be conveyed and the resulting quality of the television picture, is delimited by the bandwidth allocated for the transmission of the video signal. Each time the scanning beam traverses from a light element of the picture to a dark element and returns, a complete cycle of video electrical energy is generated. For technical reasons the 6 mc channel assigned to a television station can only accommodate approximately a 4 mc video bandwidth. If the sole objective to be served were a high quality picture, it would certainly be desirable to increase the video bandwidth to permit transmission of greater picture detail. However, spectrum space is severely limited and the bandwidth of television stations must be determined with a view to the desired number of television stations and the needs of other services.

[9] Color is perceived as a conscious sensation in terms of three major attributes: brightness, hue and saturation. Brightness is a measure of the light intensity radiated or reflected from objects, i. e., their physical "luminance" and is the only attribute exhibited by both colored and non-colored objects. Hue is the most characteristic attribute of color and determines whether the color is red or green or yellow, etc. Finally, saturation distinguishes strong colors from pale colors of the same hue, as red and pink. Saturation may be considered as related to physical "purity" or freedom from dilution with white. It is common knowledge that sunlight is a mixture composed of all the various colors of the rainbow such as red, orange, yellow, green, blue, indigo and violet. It has been found that it is not necessary to mix all the colors of the spectrum to form white light. Three colors properly selected and mixed in proper proportions will form white and most other colors. However, it is not possible to produce colors which are outside the spectrum area included by the primaries. For example, if the three primaries are red, green and blue, it is not possible to produce saturated violet since it is outside the spectrum area included between red and blue. Likewise, if a diluted red or orange were selected as one of the primaries, it would not be possible to obtain a saturated red.

tained, have been met to a satisfactory degree.

16. The second technique relied upon in the NTSC system relates to the demonstrated fact that the eye is much less sensitive to changes in hue and saturation in small areas than it is to changes in brightness. The corollary is that as the size of the viewed object is reduced, the eye becomes progressively color blind so that ability to distinguish hue deteriorates. It follows that the color components of a picture can be transmitted over a narrow band of frequencies since resolution of fine detail is a function of bandwidth. In the NTSC system faithful colors are transmitted over a 0.6 Mc bandwidth while the monochrome or luminance signal is transmitted over a 4.2 Mc bandwidth. In between is a twilight zone where adulterated colors are transmitted. Thus, faithful colors appear in the coarse areas of the picture, adulterated colors in the medium fine detail and only monochrome in the finest detail of the picture. The saving of frequencies resulting from the use of this technique is obtained at a cost in terms of the adverse impact on picture quality, but as indicated below, the overall result meets minimum standards of acceptability.

17. *Quality of the color television picture.* The Commission's second and third criteria relate to the quality of the color television picture in terms of specific characteristics. In the light of the data of record concerning the tests and demonstrations conducted by proponents, and the observations of the Commission at the demonstration in these proceedings and at the Commission's laboratory we are of the view that the color television pictures transmitted are satisfactory and that the signal specifications merit standardization on this score. We have reached this conclusion despite some apparent deficiencies of the color pictures as viewed on presently available receivers. None of the deficiencies present is sufficiently grave, however, to interfere seriously with the overall enjoyment which may be derived from viewing the color pictures. Although the color reproduction is not completely faithful, it is sufficiently accurate to be a pleasing reproduction. The loss in resolution, as compared to monochrome, is offset by the greater realism resulting from the addition of color information. The brightness level on present color equipment, while lower than on monochrome receivers, is nevertheless within the range of acceptability for home viewing.

18. *Receiver apparatus.* The Commission's fourth criterion relates to receiver apparatus and is a two-fold objective. First, the receiver apparatus must be simple to operate in the home and must not have critical registration or color controls, and second, it must be cheap enough in price to be available to the great mass of the American purchasing public.

19. Our evaluation of the receiver apparatus with relation to the first of the foregoing objectives is based on our examination of the receivers furnished by 13 manufacturers for use in the demonstration held in these proceedings and the receivers offered by three manufacturers to the Commission's laboratory and on our consideration of the data submitted in the proceedings. The inherent complexity of the proposed signal specifications is, in large part, reflected in the receiver. The color tube, and the attendant circuitry, is of complicated and intricate design and will impose a substantially greater burden in the servicing and maintenance of the color received as compared with monochrome receivers. The viewer controls on the front panel of the receiver apparatus are relatively simple to operate in light of the complexity of the equipment, and color controls do not appear to be critical. The reception of color television transmissions on color receivers demonstrated and examined does require a finer adjustment of the tuner control than is necessary on a monochrome receiver, for by moving this control too far in either direction, a considerable change can be effected in the color balance of the picture. This necessity for finer tuning, however, does not add significantly to the complexity of operation; and such adjustment would appear to be well within the competence of the normal home viewer. In addition to the controls required for monochrome reception, all of the receivers have an additional "chroma" control which requires adjustment by the viewer. The chroma control, which is not critical, determines the saturation of the colors. At one extreme position, the colors are fully saturated, while at the other extreme position, the colors are washed out. Some of the receivers also have a hue control installed on the front panel of the receiver for adjustment by the viewer. The hue control permits the hue of the picture to be adjusted to the personal taste of the viewer.

20. The data in the record with respect to the estimated price of the receiver is meager. The cost of the tri-color kinescope and the complexity of the attendant convergence circuitry, deflection yoke, and high voltage supply in the receiver, comprise major elements in the price of the color television receiver. RCA–NBC has furnished estimates of receivers based on the use of a 16-inch envelope tri-color tube which has a measured viewing surface of 8½ inches by 11 inches, the equivalent of a 12½ inch monochrome tube.[19] The estimated cost of the 16-inch envelope tube to receiver manufacturers is between $175 and $200. The estimated introductory price of the first color receiver will be between $800, and $1,000. We do not believe that the data in the record are sufficient to support the conclusion that the presently available receiver apparatus is "cheap enough in price to be available to the great mass of the American people" as contemplated in our criteria. However, several manufacturers have expressed their conviction that when color television reaches the mass production stage, substantial reduction in the price of color receivers will follow, as was the case of the monochrome receiver.

[19] No estimates have been furnished on the price of receivers with larger tubes.

21. *Broadcast station apparatus.* The Commission's fifth criterion pertains to apparatus at the broadcast station and, like the criterion relating to receiver apparatus, also is expressed as a two-fold objective. First, the station apparatus must be technically within the competence of the type of trained personnel hired by a station owner who does not have an extensive research or engineering staff at his disposal, and, second, the costs of purchase, operation, and maintenance of such equipment must not be so high as unduly to restrict the class of persons who can afford to operate a television station.

22. Upon the basis of our examination of the data in the record and of our observations, we are of the view that the color signal specifications proposed by petitioners are capable of operating through station apparatus technically within the competence of the type of trained personnel hired by a station owner lacking an extensive research or engineering staff. Clearly, the operation and maintenance of color equipment at the station is more complicated than that employed with monochrome; and in the initial stages, additional training of technical personnel will be required. Nevertheless, it appears that extensive testing of the proposed signal specifications has been satisfactorily carried on by personnel recruited from monochrome operations, and that training of personnel for color operation can be accomplished without undue difficulty.

At a demonstration held in this proceeding, color programs were originated by NBC, DuMont, and CBS. These organizations do, of course, have available to them research and engineering staffs that would not be available to the great majority of other broadcasters. And, for that reason, these organizations may not be considered typical or representative of broadcasters generally for this purpose. At the same time, however, the successful participation of NBC, DuMont, and CBS in the demonstration is somewhat persuasive that color transmissions in accordance with the proposed signal specifications can be accomplished by other broadcasters after adequate training of their technical staffs.

23. With respect to the cost of purchase of color broadcasting equipment, approximate estimated cost figures and production plans have been submitted by RCA–NBC. Such data has been furnished for the following types of television broadcast transmissions: (1) network color programs; (2) color slide programs; (3) color film programs; and (4) local live programs in color. The estimated total price for the required equipment for these transmissions is $187,850. The contemplated equipment for the various types of transmissions, which it is explained will be produced on a custom basis at first, together with the approximate prices for each type of transmission are set out below:

(1) *Network operation only.* The equipment needed to supplement the monochrome facilities of an existing station to enable network programs to be transmitted in color, consist of the following: Color stabilizing amplifiers, tri-color monitor, phase equalizers, miscel-

laneous parts, extra side-band filter, and test equipment. The approximate total cost for this equipment would be $24,500.

(2) *Color slides.* The additional equipment required to permit stations to transmit color slides would be the following: Color slide camera, color frequency standard, burst flag generator, colorplexer, modification kit for sync generator, and miscellaneous parts and test equipment. The approximate total cost for this equipment would be $43.250.

(3) *Color film.* The additional equipment required by a station already equipped for Stage 2 to broadcast color motion pictures would be the following: 16 mm film chain and miscellaneous equipment. The approximate total cost for such additional equipment would be $50,600.

(4) *Live pick-up.* The additional equipment required by a station already equipped for either Stage 2 or 3 in order to broadcast simple live programs with one camera would be the following: Three-tube color camera and associated control and miscellaneous equipment. The approximate total cost of such equipment would be $69,500. This figure, it should be understood, is based on the utilization of one camera, which is minimum equipment. Generally, two or more cameras are required for the origination of live broadcasts. In addition, price quotations have not been furnished for remote pick-up equipment.

24. The data in the record is meager relating to the cost of the above equipment and the costs figures submitted, it should be emphasized, represent only estimates on the basis of present conditions. This data indicates that the costs entailed in originating live color programs with present equipment will substantially increase the station's costs above that necessary for monochrome transmissions. However, it is our view that once commercial production designs are finalized and the production level for such equipment is increased, substantial reductions in the costs of such equipment will be feasible. We believe, also, upon our consideration of the evidence in the record, that the future holds promise for the development of cheaper apparatus.

25. Operation and maintenance of color television equipment at the transmitter and the studio concededly will be more complicated than that necessary at a comparable monochrome station. It appears that additional equipment and personnel will be required for the operation and maintenance of the transmitter since it will be necessary to maintain a more careful alignment of the transmitter than is generally required for monochrome transmissions. In addition, where live programs in color are originated by the station, additional personnel will be required to be assigned to each color television camera as video control technicians, and one or more additional persons might be required at the studio for other purposes.

26. *Interference characteristics.* The Commission's sixth criterion is that the color system must not be unduly susceptible to interference as compared with the present monochrome system. It is apparent from the tests that have been conducted that susceptibility to interference is related to the signal specifications, but, in addition, it is influenced by equipment design particularly in regard to adjacent channel interference. The significance of the test data submitted to the Commission was limited by the fact that only one type of receiver with a limited range of signal conditions was included, and a question is raised as to the applicability of the data to over all performance of all types of receivers which may be produced.

27. With respect to the important factor of co-channel station interference, there is no substantial difference between color and monochrome reception. Similarly, with respect to lower adjacent channel interference, impulse and random noise, no significant differences appear to exist between color and monochrome reception. With respect to the interference resulting from multipath it appears that receivers of better design suffer only a negligible increase in interference as compared with monochrome reception.

28. In certain respects, however, the more intensive use of the television channel due to the addition of the chrominance information renders the system more vulnerable to interference and increases the possibility of causing interference to other services. Particularly, color receivers are more vulnerable to interference which falls in the region of the subcarrier. Such interference to the color receiver could originate from the additional sideband energy radiated by a color television transmitter on the upper adjacent channel; or, it could be caused by some other continuous wave source of radio energy. In the first case, the transmitter manufacturer must expend every effort to confine the radiations within the limits of the authorized channel. In the second case, the receiver manufacturers must utilize the methods known to the art for reducing this interference susceptibility, even though such methods may involve additional manufacturing costs.

29. A further interference problem is presented by the radiation from the 3.579545 Mc. subcarrier oscillator in color receivers. The frequency of this oscillator and several of its harmonics fall in the amateur bands. Here too, receiver manufacturers must make full use of shielding, traps and any other known methods to minimize the radiation. The ultimate answer to whether the additional interference susceptibilty of color receivers will be a serious impediment to the establishment of a successful color television system will be furnished in the performance record of receiver manufacturers and the manufacturers of transmitters and other electronic equipment.

30. *Transmissions over intercity relay facilities.* The Commission's seventh criterion is that the signal specifications must be capable of transmitting color television programs over inter-city relay facilities presently in existence or which may be developed in the near future.

31. It is our view, based on the data in the record and the observations of the Commission at the demonstration in these proceedings and at the Commission's laboratory that satisfactory color television pictures can be transmitted over existing inter-city relay facilities. Moreover, it appears that improved systems of inter-city relay facilities now under development will provide for the transmission of a more satisfactory color television picture in accordance with the signal specifications under consideration.

32. Long distance televison transmissions are generally provided by use of the microwave relay system and the coaxial cable system. Existing microwave circuits have a bandwidth of somewhat more than 4 Mc and require no special equipment to transmit color pictures using the proposed signal specifications. The bandwidth of the coaxial cable surrently in use, however, is limited nominally to 2.7 Mc. Since all the color information in the proposed signal specifications is transmitted on the 3.58 Mc subcarrier, special provision must be made for confining the color signal within the 2.7 mc bandwidth. This is accomplished by the use of cable conversion equipment which heterodynes the color information down to a frequency band within the cable pass band for transmission at the sending end of the circuit and restores it to the original frequency band at the receiving end. The resulting signal is limited to a bandwidth of 2 Mc for the luminance channel and 0.3 Mc for the color signal.

33. Color television pictures transmitted in accordance with the proposed signal specifications over the microwave system currently in use results in negligible observable degradation and provides a highly acceptable color intercity transmission service. Transmissions over the coaxial cable system currently in use results in appreciable degradation. Although the degradation is appreciable it is our view that the over-all quality of the pictures presently meets minimum standards for acceptability Moreover, although it appears likely that the coaxial cable currently will continue to be used for a number of years to provide network service in some areas, it appears that commercial and audience pressure may result in replacing this equipment with improved cable carrier and improved microwave equipment. The Bell Telephone Laboratories, Inc., which participated in the activity of the NTSC, stated that it has under development improved systems of inter-city television transmission to provide for the satisfactory transmission of a color signal in accordance with the proposed signal specifications.

34. *Compatibility.* The term compatibility in its usual sense refers to the satisfactory reception of black and white pictures from signals broadcast in color on monochrome receivers without alteration. There is, however, another aspect of compatibility sometimes referred to as "reverse compatibility", which relates to the satisfactory reception of monochrome signals on color receivers without alteration.

35. The first aspect of compatibility is a factor of critical importance in view of the fact that there are at the present time more than 27 million sets in the hands of the public. No change is required in existing monochrome receivers

for the reception of a black and white picture from color transmissions on the proposed signal specifications. It appears, however, that the black and white pictures suffer some degradation. At distances from the receiver where the line structure is evident there is also a dot structure visible. Beyond this critical distance there appears to be no significant deterioration in the picture. It appears, that the degree of degradation is not substantial, and we do not believe it will interfere seriously with the public's viewing of color programming in black and white.

36. With regard to the second aspect of compatibility (i. e. reverse compatibility) no test data has been submitted. A number of parties commented favorably on the ability of present color receivers in this respect but the statements were of a general nature unsupported by data. Our own observation indicates that the monochrome picture suffers a noticeable loss of definition when received on a color set.

37. *Convertibility.* The term convertibility has been used to describe the changes necessary to enable existing receivers to receive color transmissions in color. No practical converter has been demonstrated nor does it appear that proponents of the proposed signal specifications have any current plans for the production of converters.

III. *Conclusions.*

38. *Field sequential system.* In our consideration of specifications for the broadcast of color television in the 1949-50 proceedings in Docket 8736 *et al.*, we concluded that of the three systems under consideration only the field sequential system met minimum standards of acceptability. These signal specifications were, however, incompatible in the sense that receivers outstanding in the hands of the public could not receive color transmissions in monochrome without adaptation. The limited amount of commercial color broadcasting on these standards were short-lived, and color television broadcast equipment for the field sequential system has never been produced in quantity and is not now being produced, nor are color transmissions in accordance with the field sequential standards being broadcast or contemplated. Three years have passed since that decision, and there are now more than 27 million television receivers in the hands of the public, all of which are incompatible with our present color television standards. That circumstance serves to nullify these rules and standards completely. We have concluded, therefore, that our present rules for the transmission of color television should be deleted.

39. *Proposed signal specifications.* The proponents of the color television signal specifications proposed in this proceeding have been of the view that a color television system in order to prove successful must be compatible. With this premise in mind, petitioners have cooperated in an industry-wide, intensive program of study, research and experimentation, lasting over a period of more than two years, in an effort to evolve and formulate satisfactory compatible color television signal specifications. To this end, petitioners have expended millions of dollars and have employed thousands of man-hours of the most highly skilled engineers and scientists in the electronics and related fields.

40. The accomplishment of a compatible color television system within a 6 Mc bandwidth is a tribute to the skill and ingenuity of the electronics industry. The proposed color television signal specifications produce a reasonably satisfactory picture with a good overall picture quality. The quality of the picture is not appreciably marred by such defects as misregistration, line crawl, jitter or unduly prominent dot structure. The picture is sufficiently bright to permit a satisfactory contrast range under favorable ambient light conditions and is capable of being viewed in the home without objectionable flicker. Color pictures can be transmitted satisfactorily over existing intercity relay facilities and improvements in intercity relay facilities may be reasonably anticipated.

41. It has long been recognized that compromises are necessary when an attempt is made to compress within a 6 Mc channel as much information as is required in a color television system. The achievement of a compatible system within a 6 Mc channel has been accomplished only by the utilization of extremely complicated and intricate equipment. It relies on a system of circuitry involving the most advanced techniques in optics, mechanics, and electronics. The complexity and intricacy of the equipment and circuitry is reflected in the following:

First, the cost of apparatus is high. The estimated retail price of the receiver is in the luxury range of $800 to $1,000. The heart of the receiver problem lies in the color tube and its associated circuitry. The current estimated cost to a receiver manufacturer of a color tube with a viewing surface which approximates that of a 12-inch monochrome tube, is between $175 and $200. This figure alone exceeds the entire cost of several popular models of monochrome receivers. Similarly, the costs to television broadcasters for transmitting equipment, and particularly for the origination of color programs, are substantially higher than the cost of monochrome transmissions.

Second, the maintenance and operation of a compatible color receiving and transmitting apparatus in a 6 Mc bandwidth will inherently result in greater costs than monochrome alone. Because the proposed signal specifications rely on complicated techniques and because the "system load" is, in large part, shared by the receiver, it is reasonable to anticipate that receiver failures and service adjustments will be more frequent. Similar difficulties may also be anticipated at the studio and transmitter.

Third, the additional susceptibility of the color receiver to interference and the possibility of causing interference to other services from the radiation of the subcarrier in the receiver, must be given close attention by the receiver manufacturer. Also, the transmitter manufacturer, in order to reduce interference, must take steps to eliminate, so far as possible, all unnecessary radiation. In this connection, it is noted that the industry has recently established committees, which have begun work toward these ends.

42. In the comments filed in this proceeding a number of parties urging adoption of the proposed signal specifications have requested that we waive or relax certain of our criteria. It is our view, in light of the changed circumstances, that a rigorous or inflexible application of our criteria would not be warranted and that, accordingly, these requests should be granted. It was our view that any new system would have to sustain the burden of establishing that any improvement which would result from its adoption must be substantial enough to justify the resulting dislocation to receivers then in the hands of the public. There are no color receivers in the hands of the public designed to receive transmissions in accordance with those standards. And no question is presented with respect to dislocation or harm because of investment in apparatus. We believe, therefore, that the change in circumstances warrants a shift in emphasis and that we are justified in relying on the representations of petitioners that certain of the inadequacies as presently exist are a function of "equipment limitations" and are not necessarily inherent "system limitations."

43. We are persuaded to this view on the basis of the following factors:

First, included among the NTSC and the other parties to this proceeding are the major electronics manufacturing organizations. Among these parties there is overwhelming support for the proposed specifications. There is virtual unanimity that these specifications are fundamentally capable of producing satisfactory color television pictures. There is also substantial agreement that the proposed specifications have a potential for growth.

Second, although the major effort has, up to this point, been directed to the development of the system, approval of the proposed signal specifications will furnish an incentive and stimulus to manufacturing and research organizations to devote their efforts to the equipment problems. The success of color hinges on mass receiver circulation, and every effort must be made to bring the price down to the level of the mass purchaser. Every effort must also be made to design equipment to minimize the additional interference susceptibility of operations under the proposed specifications. History has demonstrated that American industry is capable of devising practical and economical equipment on a mass production basis. We have the assurance of the industry that the enormous engineering and production ingenuity at their command will be focused on these remaining problems.

Third, the proposed signal specifications are broad enough to permit considerable latitude to competing companies in the future development of more economical and efficient equipment without obsoleting equipment in the hands of the public. Thirteen manufacturers demonstrated receivers in the proceeding employing several types of picture

tubes. Thus, the proposed color specifications afford an opportunity and challenge to the industry to implement these specifications with the necessary equipment innovations.

Fourth, the signal specifications proposed are compatible, and a compatible system will afford the consumer a greater degree of freedom than would an incompatible system in choosing whether or not to purchase a color receiver at a given price, since the public will, in any event, continue to receive the program material in monochrome.

44. Upon a careful consideration of the complete record in this proceeding, we are of the view that the signal specifications proposed by petitioners provide a reasonable basis for the development of a color television service in the public interest. We have therefore concluded that the present rules and standards for the broadcast of color television based on the field sequential signal specifications should be deleted and that the signal specifications in this proceeding should be adopted in lieu thereof at this time.

45. Authority for the adoption of the amendments is contained in section 303 (b) (e) and (g) of the Communications Act of 1934, as amended.

46. In view of the foregoing, *It is ordered*, That, effective 30 days after publication in the FEDERAL REGISTER, Subpart E of Part 3 of the Commission's Rules Governing Television Broadcast Stations, is amended as set out in Appendix B attached hereto.

(Sec. 303; 48 Stat. 1082, as amended; 47 U. S. C. 303)

Adopted: December 17, 1953.

Released: December 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,[1]

[SEAL] WM P. MASSING,
Acting Secretary.

CONCURRING STATEMENT OF COMMISSIONER E. M. WEBSTER

The adoption of standards for color television is an important milestone on the road to expansion of our broadcast industry. As a member of the Commission and one of the guardians of the public interest I have strong feelings that the adoption of such standards cannot be taken lightly.

Consideration of the color standards proposed by the National Television System Committee indicates to me that those standards, and any system based thereon, involve certain problems among which are included such matters as:

1. Estimated high cost of color receivers and station equipment.
2. Complexity of receivers.
3. Degradation of color transmissions as received on monochrome sets.
4. Degradation of monochrome transmissions as received on color sets.
5. Susceptibility of color receivers to interference.

It would serve no useful purpose for me to elaborate upon such problems here as the Commission's Report and Order adequately discusses these and other problems. However, I believe that the public should be forewarned that in view of the subjective nature of the evaluation of any color television demonstration it is not likely that unanimity will prevail with respect to the adequacy of present color pictures and that some viewers may find the results somewhat less satisfactory than expected.

The adoption of these standards creates certain receiver problems which must be recognized. Accordingly, the receiver manufacturers are obligated to the public to incorporate in color receivers refinements beyond those in present monochrome receivers necessary to adequately suppress aggravated receiver radiation and to overcome the greater susceptibility to interference, particularly in the region of the color sub-carrier.

While the current system designed around the NTSC standards may fall short of the established criteria in some respects, as for example the estimated cost of color receivers, I believe that compatibility is sufficiently important to warrant a reasonable flexibility in the application of the criteria. Furthermore, in my opinion those features which may be believed to be inadequacies in the current state of development are equipment problems, not inherent limitations imposed by the standards, and future improvement can be expected.

Accordingly, I concur with the Commission in its decision adopting the color television standards proposed by the National Television System Committee.

ADDITIONAL CONCURRING VIEWS OF COMMISSIONER GEO. E. STERLING

I have participated in this proceeding and the final results with confidence that a foundation is being laid that will provide the people of this nation a fine compatible color television system, capable of improvement without obsolescence of black and white receivers and color receivers built to receive the programs broadcast in accordance with the signal specifications embraced in the standards.

History is replete with the initial high cost and complexity of products designed for public consumption, resulting from the birth of a new industry, for example: the automobile. This, too, has been the experience in the radio and television industry. With respect to the complexities and cost of equipment, considering the competition in the manufacturing industry coupled with the public enthusiasm and acceptance of the television broadcasting service, I am certain that both larger screen and cheaper color receivers with controls having the ease of adjustments of current monochrome receivers will be made available to the public within the next two or three years, the time necessary to establish a color television broadcasting service of any consequence. In the meantime, the public can buy black and white television receivers now on the market and which will continue for the next three or four years to represent the greatest percent of production of TV receivers, confident that when programs are broadcast in color they may view them in black and white. In the meantime, the manufacturing industry will move ahead affirmatively to build color receivers within the price range of the great mass of the American people.

The Commission has, in this decision, pointed out with considerable emphasis the necessity of properly shielding and filtering receivers so that color programs will not be degraded by interference from radio frequency sources as well as preventing interference to the important amateur radio service, considering the public service it renders in several respects. It is my hope that industry will continue to give this subject high priority as they proceed to build equipment for public consumption.

COMMISSIONER LEE CONCURRING

DECEMBER 18, 1953.

I concur completely with the Commission's decision in this case. The defects and imperfections of this new medium are carefully pointed out and this is as it should be. The factual situation has been given to the public. It is patently apparent that color television will not be available to most of us for some time to come but this was also true in the early days of black and white television.

For my own part, I would like to say that I consider this decision a milestone in the fast moving electronics industry. The American standard of living rises again. I would like to pay my own tribute to the Industry and the able and ingenious men comprising it who have made this new miracle possible.

The defects and shortcomings that may now exist will evaporate in the coming months as Industry takes on mass production. The first automobile had many defects. An aeroplane going on the assembly line immediately takes on some aspects of being outmoded as experience teaches us new improvements and better methods of production. We would never learn the new short-cuts if we kept the basic idea on the drawing board.

Our economy will get a tremendous boost from this development.

I am delighted at long last to have had a small part in putting the show on the road.

APPENDIX A—DESCRIPTION OF COLOR TELEVISION TRANSMISSIONS IN ACCORDANCE WITH PROPOSED SIGNAL SPECIFICATIONS

I. *Introduction.*

1. Following is a description of color television transmissions in accordance with the proposed signal specifications under consideration. In attempting to simplify the description so that it might be intelligible to the lay reader it has been necessary from time to time to use non-technical terms. This may have resulted in some technical inaccuracies. However, engineers will find full data and descriptions in the record.

II. *General.*

2. There is much similarity in the composition of television pictures and magazine or newspaper pictures. Printed pictures are composed of small dots and in the case of black and white pictures these dots are black and of varying size to give the impression of various shades of gray. The presence of the dot struc-

[1] See attached concurring statements of Commissioners Webster, Sterling and Lee.

ture is not apparent to the eye under normal conditions because the distance between the viewer and the picture is such that the eye can no longer distinguish the individual dots and sees the combined effect as a single image. The sharpness of the picture is determined by the number of dots which compose the picture. The monochrome television picture, however, is composed of lines with varying degrees of grayness throughout their length to correspond to the brightness of the original object at that point. The sharpness of such an image is determined to a large extent by the rapidity with which variations in brightness can occur along the line either from black to white, or from white to black. For a given system there is a maximum rapidity with which the line can change from black to white and back again to black, which change would result in a white dot. The width of this dot determines the number of such dots which could be reproduced in a particular line and thus the number of such dots per line is a measure of the sharpness of images which can be reproduced. The television picture differs from the printed picture in that the number of equivalent dots in television is independent of the size of the television screen where as the printed picture normally uses a fixed number of dots per inch of picture dimension. In order to create the illusion of motion it is necessary to transmit a series of still pictures in rapid succession. This principle for creating the illusion of motion is the same for both motion pictures and television, and depends upon the well known phenomenon of persistence of vision.

3. In television the tools employed for reproducing a picture are the camera, transmitter, and receiver. The function of the camera in a television system is to transform light energy into electrical energy. In principle, the television camera is not unlike a photographic camera. However, in place of film, in back of the television camera, there is subtituted an electrical plate which is sensitive to light. This plate is composed of thousands of separate light sensitive cells. When the light comes through the lens of the camera, it forms an image of the scene on the plate. The individual cells of the plate store up energy in proportion to the light which falls upon them. Thus, the cells in the bright parts of the image are filled with considerable energy while the darker parts are filled with less energy. In order to release this stored energy to the transmitter, an electron beam is caused to scan the image from left to right and top to bottom. The beam can be thought of as an electron gun which successively punctures the individual cells thus releasing the stored energy to the transmitter. The transmitter provides a vehicle for transporting the camera signals to the receiver. This is done by generating a radio frequency signal in a part of the spectrum which has previously been determined to have the desired properties with regard to propagation, available bandwidth, etc. The camera signals including the image signals and certain other electrical pulses needed to maintain synchronism between transmitter and receiver are then superimposed on this radio frequency carrier. At the receiver a scanning beam similar to that at the camera is directed against the face of a viewing screen. The receiver scanning beam travels from left to right across each of the lines of the picture in exact synchronism with the beam at the camera. Therefore, the amount of electrical energy released at the camera at any instant will affect the beam at the receiver at that identical point in the picture. Thus, the picture is recomposed.

III. *The Commission's standards.*

4. When the monochrome television standards were adopted, the Commission allocated 6 Mc (6 million cycles per second) for each television channel, nearly all of which is utilized for transmitting the video portion of the composite video-sound signals. The Commission's rules for monochrome require that thirty complete pictures each comprising 525 lines be transmitted each second. In a 4 Mc video bandwidth 4 million pairs of elemental light and dark areas can be transmitted each second, or 8 million separate distinguishable elements. The number of elements is a limiting factor in determining the sharpness or resolution of the television picture and these may be arranged vertically or horizontally in an infinite variety of combinations. If it is decided, and the Commission's rules so provide, that it is necessary to scan 30 pictures each second in order to maintain continuity of motion and prevent flicker, 266,666 elements (i. e., 8 million divided by 30) are available for each "still" picture. Since the Commission's standards provide for 525 lines of vertical resolution, the horizontal resolution is fixed at 505 elements (i. e., 266,666 divided by 525) It should be noted that since the picture is 4 units wide for each 3 units of height the horizontal elements are thus about 40% wider than the vertical elements. In practice, the values of the number of lines and elements are reduced due to the time required for sending the synchronizing signals, limitation or equipment, and other factors.

IV. *Operation under proposed signal specifications.*

A. *The camera.* Since most colors can be duplicated by the mixture of proper amounts of three properly selected primary colors, it follows that a color television system can be based on the transmission and reception of images in the three primary colors.

5. The first step in the transmission and reception of images in the three primary colors is accomplished in the television camera. The camera generates three different signals from the information in the picture. These may be the signals corresponding to the red, green and blue components in the picture but other combinations of three such independent sets of information could be used.

6. One method that has been used is the equivalent of three monochrome cameras. These cameras are operated from a single set of controls so that the view televised by each camera is identical. In front of each camera lens there is placed a red, a blue and a green filter, respectively. Thus, while the view in front of each camera is identical, the scene reaching the light sensitive plate of each camera contains only the components passed by the red, blue or green filters. Hence, this camera produces an image in each of the primary colors, and changes the optical images into their equivalent electrical energy.

B. *The transmitting system.*

7. The three components obtained from the camera are electrically processed in such a manner as to obtain a brightness signal and two color-minus-brightness signals, namely red-minus-brightness and blue-minus-brightness. The brightness signal is channeled into one circuit with the other two signals being dealt with in a separate circuit.

(1) *The brightness component.*

8. The brightness circuit of the color transmitter is similar to the conventional monochrome transmitter. Both have the same function of transmitting the relative brightness of the picture in monochrome. Thus, the two systems may be considered compatible, since a receiver performing satisfactorily on the monochrome system will also receive the brightness or monochrome signals transmitted in the color system. Since the eye is most sensitive to green, less sensitive to red, and least sensitive to blue, the brightness is obtained by mixing signals in that order of proportion. The specific values of the mixture are 59 percent green, 30 percent red, and 11 percent blue.[1] Such a mixture will produce a picture on monochrome receivers, in shades of gray. In the color system, this mixture accomplishes the primary objective of transmitting with correct intensity the brightness signal which is one of the two components of the color picture image.

(2) *The chroma component.*

9. The color-minus-brightness signals are derived by subtracting the electrical value of the brightness signal from the electrical value of the color signals. The result is called the "color minus brightness" signal or "color difference" signal.[2]

---

[1] Mathematically, this is written:

$$E_{Y'}=0.59E_{G}+0.30E_{R}+0.11E_{B}$$

where:

$E_{Y'}$ = brightness signal.
$E_{G'}$ = electrical signal corresponding to the green components of the picture.
$E_{R'}$ = electrical signal corresponding to the red components of the picture.
$E_{B'}$ = electrical signal corresponding to the blue components of the picture.

[2] The brightness signal is not separated from the chroma signal until after the color image has been transformed by the camera from an optical quantity to its electrical equivalent. The reason for this is that the electrical quantity "color-minus-brightness" has no physical equivalent since the eye responds only to chroma accompanied by brightness. Chroma minus brightness would be invisible. The subtractions and additions necessary to compose the brightness and chroma signals are accomplished in a matrix unit which a computing machine for units of electricity. Mathematically, the color minus brightness signal of the blue signal is written:

$$E_{B'}-E_{Y}$$

Thus, the chroma circuits of the transmitter must process two signals, red minus brightness ($E_R'-E_Y'$) and blue minus brightness ($E_B'-E_Y'$) Only two signals are necessary since the similar relation for the green signal ($E_G'-E_Y'$) can be recovered at the receiver from a mathematical relationship between the other two.[3] The two signals transmitted are the red minus brightness and blue minus brightness. This still presents somewhat of a problem since the two signals must be transmitted in the same circuits without interaction. The method used is to modulate[4] the two signals on a selected subcarrier in a manner designed to prevent interaction.[5] The frequency of the subcarrier is carefully selected to reduce the visibility of interaction between the chroma information and the brightness signal on the received picture.[6]

[3] $E_Y'=0.59E_G+0.30E_R+0.11E_B$

$0.59E_G'=E_Y-0.30E_R-0.11E_B$

$E_G'=1.7E_Y-0.51E_R-0.19E_B$

$E_G-E_Y'=0.7E_Y-0.51E_R-0.19E_B$

$=0.51E_Y-0.51E_R+0.19E_Y-0.19E_B$

$=-0.51(E_R-E_Y')-0.19(E_B-E_Y')$.

[4] The term modulation is used a number of times in the text of the decision. For those unfamiliar with this fundamental process the following may be helpful. A radio transmitter generates a "carrier frequency" on the frequency assigned to the station. (This carrier might be considered as a replacement for the wire in a telephone system.) The intelligence to be transmitted, whether it is sound, picture or facsimile, is imposed upon this carrier by the process of modulation. For radio and television the intelligence or modulation, always a lower frequency than the carrier, is imposed upon the higher frequency for more efficient transportation to the receiver. When the desired intelligence modulates a carrier wave there results a composite signal which has the propagation characteristics of the carrier wave but also contains the original intelligence in one form or another. At the receiver the demodulation process results in recovery of the original intelligence and elimination of the carrier wave which has served its purpose. This is accomplished in a demodulator (detector) and there are a number of ways of performing the demodulation. One way is to generate in the receiver another frequency which is exactly equivalent to the transmitter carrier frequency. When these two identical carriers (frequencies) are placed in the same receiver circuit (demodulator) they have the effect of cancelling each other leaving the original intelligence. This is the system used in the recovery of the color signals described above. (The system of modulation described above is known as amplitude modulation because the modulation varies the amplitude of the carrier.) Other systems based on the same broad principles are called frequency modulation and phase modulation. In the latter cases, the modulation varies the frequency or phase characteristics of the carrier rather than the amplitude; however, the objective of the modulation is the same.

[5] A sine wave subcarrier can carry two sets of information by splitting the sine wave into two components in quadrature and amplitude modulating each component with one set of information.

[6] The line frequency is chosen as 1/286 times the frequency difference between the sound and picture carriers (4.5 mc/sec) or 15,734.26 cycles/second. Since there are 525 lines per frame the frame frequency becomes 29.97 cycles per second and the field frequency 59.94 cycles per second. The subcarrier frequency is chosen as an odd multiple of one half the line frequency which in this case was chosen as 455/2 of the line frequency or 3.579545 mc/sec. It will be noted that the line, field and frame frequencies are very close to the nominal values used for monochrome, namely, 15,750, 60, and 30 cycles/sec.; thus existing monochrome sets will be able to respond to such scanning rates. The above combination will result in the beat note between the quiescent sound carrier and the color subcarrier being an odd multiple of one half the line frequency. It has been determined that such a relationship results in a minimum visibility, on the received picture, of such interaction as well as a minimum visibility of the subcarrier itself due to a similar relationship of its frequency to that of the line scanning rate.

10. The relative location of the subcarrier within the channel is also an important consideration. If the subcarrier is placed too near the picture carrier there may be interference between the two. On the other hand, if the subcarrier is placed too near the edge of the channel it will restrict the width of the sidebands and limit the information which can be carried. The NTSC has compromised on a subcarrier frequency which is 3.579545 megacycles above the video carrier. Since this frequency is approximately 0.6 Mc from the edge of the pass band (see fig. 3, App. B) if the blue and red chroma signals were transmitted they would be limited to 0.6 Mc. Resolution being a function of bandwidth, this would limit the resolution of color to very coarse detail. This limitation to a 0.6 Mc bandwidth applies only when two sets of information such as the two color difference signals must be modulated on a single subcarrier. The reason for this is that in the quadrature method of modulating the subcarrier, both upper and lower sidebands of each color difference signal must be equal. It is, however, possible to send one set of information by using a single sideband. Thus, it would be possible to send two sets of information up to 0.6 Mc and continue to a higher modulating frequency with a single set of information, e. g. a single color difference signal, using only one sideband. This is the method used in the NTSC system with the result that coarse color detail in the scene being televised which produces signals of frequency less than 0.6 Mc is reproduced in approximately the original color. (The third color difference signal is recreated at the receiver.) Semi-fine color detail in the scene being televised which produces signals of frequencies greater than 0.6 Mc and less than 1.5 Mc is reproduced in hues which are contaminated. (With only one color difference signal being transmitted the primaries cannot properly combine at the receiver.) Very fine color detail in the scene being televised which produces signals of frequency greater than 1.5 Mc is reproduced in monochrome. The NTSC has made a variation in the method of sending the red minus brightness and blue minus brightness signals. Instead of sending the blue minus brightness and the red minus brightness over the subcarrier, each of these signals is mixed with the other so that the blue minus brightness contains some red and the red minus brightness contains some blue.[7] Corresponding changes are also made in the receiver circuits so that as long as both color mixture signals are received, i. e. in the modulation range 0–0.6 Mc, the circuits could unscramble the mixture and deliver the red minus brightness, blue minus brightness, and green minus brightness to the viewing tube. Thus, there results no change in the coarse detail of the picture. However, when only one color mixture signal is transmitted, i. e., a 0.6 Mc to 1.5 Mc modulation, the receiver circuits unable to function as above produce a contaminated color varying from orange to cyan depending upon the actual color being televised. This contaminated color produces less noticeable distortion in the semi-fine detail of the picture than when a single pure color is transmitted. The luminosity of the picture is approximately uniform throughout its range from orange to cyan, thus further reducing the apparency of its color distortion. This distortion in fine detail is sometimes called edge distortion, the reason being that fine detail only occurs at the edge of an object where it contrasts with the background, or, with other objects or with part of the same object. Thus, while the eye is relatively insensitive to the *color* in these edges, nevertheless, if the color is intense or sharply different from the adjoining area, some distortion will be apparent. The NTSC system overcomes this difficulty by using a blended color which does not call attention to the transition.

(3) *Synchronization.*

11. The NTSC color system requires no change in the black and white synchronizing standards except that additional synchronizing information, referred to as the "color burst", is added. In order to demodulate the color subcarrier the receiver must generate a subcarrier of its own of exactly the same phase and frequency. It is, in fact, so important that the received subcarrier be identical with the transmitted subcarrier that it is necessary to send along a sample of the transmitter subcarrier which can be used as a reference by the receiver. It is rather a problem of just where to put this reference "burst" so that it won't be in the way of the luminance signal, the chrominance signals or the other synchronizing pulses. The place selected was the so-called "back porch" (blanking interval) following the horizontal synchronizing pulse. This is the short period during which the picture is blanked out to prevent visible retrace while the scanning beam is returning across the picture to its starting point. Only a few cycles (9 cycles of 3.579545 megacycles) of the reference

[7] The amplitude of these two orthogonal components of the chrominance signals can be expressed in terms of color difference signals as follows:

$E_Q'=0.41(E_B'-E_Y')+0.48(E_R-E_Y')$

$E_I'=-0.27(E_B-E_Y')+0.74(E_R'-E_Y')$

Where:

E_Q' = narrow-band component of the color signal.

E_I' = wide-band component of the color signal.

burst (derived from the color subcarrier) are transmitted.

(4) *The combined signal.*

12. Prior to transmission over the air the various signals mentioned above are combined into a composite signal. This signal includes the synchronizing signals, the brightness signal, and the chroma information on the subcarrier.[8]

C. *The receiver*

13. The following description of receivers now known is included to indicate how the signal can be used to produce a color picture.

14. The composite color signal arriving at the receiver antenna consists of a brightness component and a chroma component.

(1) *Brightness component.*

15. If the signal is received on a monochrome television set the brightness component will pass through the receiver circuits and appear on the viewing tube as a monochrome picture. The interference from the chroma component of the incoming signal will be reduced on the monochrome receiver because of the interlacing principle previously described.[9] If the composite color signal is received on a color set the brightness component will be processed by the receiver brightness circuits and appear at the viewing tube ready to be combined with the chroma component.

(2) *Chroma component.*

16. When the composite color signal is received on a color receiver the chroma component must be separated by means of special filters before it can be processed.[10] The output of these filters is fed to the chroma demodulator which recovers the original color difference signals.[11] The two color difference signals thus derived are fed into a matrixing unit from which is recovered the third color difference signal (green minus brightness) In the case of the three gun type of color tube, the three color minus brightness signals are routed to the three respective electron beams of the color tube where they are combined with the brightness signal. The result—color minus brightness plus brightness equals color, i. e., the original primary color is restored and projected on the viewing tube.

[8] The complete color signal has the following composition:

$$E_M' = E_Y + E_Q \sin(\omega t + 33°) + E_I \cos(\omega t + 33°)$$

or

$$E_M' = E_Y + 0.493(E_B - E_Y') \sin \omega t + 0.877 (E_R - E_Y') \cos \omega t$$

where the angular frequency w is 2 pi times the frequency of the chrominance subcarrier.

The second equation above is only valid for color difference frequencies below 500 kilocycles since the E_Q signal is removed for frequencies above that range.

[9] The color subcarrier frequency selection for minimum visibility of the color information on the luminance channel is sometimes called frequency interlacing.

[10] The chroma signal is removed from the composite signal at about the third video amplifier and then fed through a 1.8 Mc to 4.3 Mc bandpass filter. This filters out the video carrier frequency and low frequency components leaving the color subcarrier and sidebands along with the high frequency components of the luminance signal. The modulations of the two color difference signals on the subcarrier remain independent only when the modulated waves each consist of like upper and lower sidebands. When the sidebands are not equal, the modulations E_Q and E_I cross talk on each other and the color is contaminated. Since the receiver response falls off for the higher video frequencies, compensation is necessary to make the upper sideband equal the lower sideband in the region 0 to 0.6 Mc from the subcarrier. This compensation consists usually of peaking coils with a peak of about 6 db in the 4.0 Mc region and is inserted in the circuit to the demodulator grids.

[11] The local oscillator supplies two signals having exactly the same frequency as the subcarrier. These two signals are placed in quadrature with each other in the same phase relationship as the two quadrature components of the subcarrier. Each quadrature component demodulates the respective color signal with which it is in phase.

APPENDIX B

1. Section 3.681 is amended to read as follows:

§ 3.681 *Definitions.*

Amplitude modulation (AM). A system of modulation in which the envelope of the transmitted wave contains a component similar to the wave form of the signal to be transmitted.

Antenna height above average terrain. The average of the antenna heights above the terrain from two to ten miles from the antenna for the eight directions spaced evenly for each 45 degrees of azimuth starting with True North. (In general, a different antenna height will be determined in each direction from the antenna. The average of these various heights is considered the antenna height above the average terrain. In some cases less than 8 directions may be used. See § 3.684 (d)).

Antenna power gain. The square of the ratio of the root-mean-square free space field intensity produced at one mile in the horizontal plane, in millivolts per meter for one kilowatt antenna input power to 137.6 mv/m. This ratio should be expressed in decibels (db) (If specified for a particular direction, antenna power gain is based on the field strength in that direction only.)

Aspect ratio. The ratio of picture width to picture height as transmitted.

Aural transmitter. The radio equipment for the transmission of the aural signal only.

Aural center frequency. (1) The average frequency of the emitted wave when modulated by a sinusoidal signal; (2) the frequency of the emitted wave without modulation.

Blanking level. The level of the signal during the blanking interval, except the interval during the scanning synchronizing pulse and the chrominance subcarrier synchronizing burst.

Chrominance. The colorimetric difference between any color and a reference color of equal luminance, the reference color having a specific chromaticity.

Chrominance subcarrier. The carrier which is modulated by the chrominance information.

Color transmission. The transmission of color television signals which can be reproduced with different values of hue, saturation, and luminance.

Effective radiated power. The product of the antenna input power and the antenna power gain. This product should be expressed in kilowatts and in decibels above one kilowatt (dbk) (If specified for a particular direction, effective radiated power is based on the antenna power gain in that direction only. The licensed effective radiated power is based on the average antenna power gain for each horizontal plane direction.)

Field. Scanning through the picture area once in the chosen scanning pattern. In the line interlaced scanning pattern of two to one, the scanning of the alternate lines of the picture area once.

Frame. Scanning all of the picture area once. In the line interlaced scanning pattern of two to one, a frame consists of two fields.

Free space field intensity. The field intensity that would exist at a point in the absence of waves reflected from the earth or other reflecting objects.

Frequency modulation (FM). A system of modulation where the instantaneous radio frequency varies in proportion to the instantaneous amplitude of the modulating signal (amplitude of modulating signal to be measured after pre-emphasis, if used) and the instantaneous radio frequency is independent of the frequency of the modulating signal.

Frequency swing. The instantaneous departure of the frequency of the emitted wave from the center frequency resulting from modulation.

Interlaced scanning. A scanning process in which successively scanned lines are spaced an integral number of line widths, and in which the adjacent lines are scanned during successive cycles of the field frequency.

Luminance. Luminous flux emitted, reflected, or transmitted per unit solid angle per unit projected area of the source.

Monochrome transmission. The transmission of television signals which can be reproduced in gradations of a single color only.

Negative transmission. Where a decrease in initial light intensity causes an increase in the transmitted power.

Peak power. The power over a radio frequency cycle corresponding in amplitude to synchronizing peaks.

Percentage modulation. As applied to frequency modulation, the ratio of the actual frequency swing to the frequency swing defined as 100 percent modulation, expressed in percentage. For the aural transmitter of television broadcast stations, a frequency swing of ±25 kilocycles is defined as 100 percent modulation.

Polarization. The direction of the electric field as radiated from the transmitting antenna.

Reference black level. The level corresponding to the specified maximum excursion of the luminance signal in the black direction.

Reference white level of the luminance signal. The level corresponding to the

specified maximum excursion of the luminance signal in the white direction.

Scanning. The process of analyzing successively, according to a predetermined method, the light values of picture elements constituting the total picture area.

Scanning line. A single continuous narrow strip of the picture area containing highlights, shadows, and half-tones, determined by the process of scanning.

Standard television signal. A signal which conforms to the television transmission standards.

Synchronization. The maintenance of one operation in step with another.

Television broadcast band. The frequencies in the band extending from 54 to 890 megacycles which are assignable to television broadcast stations. These frequencies are 54 to 72 megacycles (channels 2 through 4) 76 to 88 megacycles (channels 5 and 6) 174 to 216 megacycles (channels 7 through 13) and 470 to 890 megacycles (channels 14 through 83)

Television broadcast station. A station in the television broadcast band transmitting simultaneous visual and aural signals intended to be received by the general public.

Television channel. A band of frequencies 6 megacycles wide in the television broadcast band and designated either by number or by the extreme lower and upper frequencies.

Television transmission standards. The standards which determine the characteristics of a television signal as radiated by a television broadcast station.

Television transmitter The radio transmitter or transmitters for the transmission of both visual and aural signals.

Vestigial sideband transmission. A system of transmission wherein one of the generated sidebands is partially attenuated at the transmitter and radiated only in part.

Visual carrier frequency. The frequency of the carrier which is modulated by the picture information.

Visual transmitter The radio equipment for the transmission of the visual signal only.

Visual transmitter power The peak power output when transmitting a standard television signal.

2. Section 3.682 is amended as follows:

Delete paragraph (a) and substitute the following:

§ 3.682 *Transmission standards and changes*—(a) *Transmission standards.* (1) The width of the television broadcast channel shall be six megacycles per second.

(2) The visual carrier frequency shall be nominally 1.25 mc above the lower boundary of the channel.

(3) The aural center frequency shall be 4.5 mc higher than the visual carrier frequency.

(4) The visual transmission amplitude characteristic shall be in accordance with the chart designated as Appendix III, Figure 3.

(5) The chrominance subcarrier frequency shall be 3.579545 mc ± 10 cycles per second with a maximum rate of change not to exceed one tenth cycle per second per second.

(6) For monochrome and color transmissions the number of scanning lines per frame shall be 525, interlaced two to one in successive fields. The horizontal scanning frequency shall be $\frac{2}{455}$ times the chrominance subcarrier frequency: this corresponds nominally to 15,750 cycles per second (with an actual value of 15,734.264 ± 0.044 cycles per second) The vertical scanning frequency is $\frac{2}{525}$ times the horizontal scanning frequency: this corresponds nominally to 60 cycles per second (the actual value is 59.94 cycles per second) For monochrome transmissions only, the nominal values of line and field frequencies may be used.

(7) The aspect ratio of the transmitted television picture shall be 4 units horizontally to 3 units vertically.

(8) During active scanning intervals, the scene shall be scanned from left to right horizontally and from top to bottom vertically, at uniform velocities.

(9) A carrier shall be modulated within a single television channel for both picture and synchronizing signals. For monochrome transmission, the two signals comprise different modulation ranges in amplitude, in acordance with the charts designated as Appendix III, Figures 3 and 4 (b) For color transmission, the two signals comprise different modulation ranges in amplitude except where the chrominance penetrates the synchronizing region and the burst penetrates the picture region, in accordance with the the charts designated as Appendix III, Figures 3 and 4 (a)

(10) A decrease in initial light intensity shall cause an increase in radiated power (negative transmission)

(11) The reference black level shall be represented by a definite carrier level, independent of light and shade in the picture.

(12) The blanking level shall be transmitted at 75±2.5 percent of the peak carrier level.

(13) The reference white level of the luminance signal shall be 12.5±2.5 percent of the peak carrier level.

(14) The signals radiated shall have horizontal polarization.

(15) An effective radiated power of the aural transmitter not less than 50 percent nor more than 70 percent of the peak radiated power of the visual transmitter shall be employed.

(16) The peak-to-peak variation of transmitter output within one frame of video signal due to all causes, including hum, noise, and low-frequency response, measured at both scanning synchronizing peak and blanking level, shall not exceed 5 percent of the average scanning synchronizing peak signal amplitude.[20]

(17) The reference black level shall be separated from the blanking level by the setup interval, which shall be 7.5±2.5 percent of the video range from blanking level to the reference white level.

(18) For monochrome transmission, the transmitter output shall vary in substantially inverse logarithmic relation to the brightness of the subject. No tolerances are set at this time.[20]

(19) The color picture signal shall correspond to a luminance component transmitted as amplitude modulation of the picture carrier and a simultaneous pair of chrominance components transmitted as the amplitude modulation sidebands of a pair of suppressed subcarriers in quadrature.

(20) Equation of complete color signal.

(i) The color picture signal has the following composition:

$$E_M = E_Y + \{E_Q \sin(\omega t + 33°) + E_I \cos(\omega t + 33°)\}$$

Where:

$$E_Q' = 0.41(E_B - E_Y') + 0.48(E_R - E_Y').$$
$$E_I' = -0.27(E_B - E_Y') + 0.74(E_R - E_Y').$$
$$E_Y' = 0.30E_R + 0.59E_G + 0.11E_B$$

For color-difference frequencies below 500 kc (see (iii) below), the signal can be represented by:

$$E_M = E_Y + \left\{\frac{1}{1.14}\left[\frac{1}{1.78}(E_B - E_Y')\sin\omega t + (E_R - E_Y')\cos\omega t\right]\right\}$$

(ii) The symbols in (i) have the following significance:

E_M is the total video voltage, corresponding to the scanning of a particular picture element, applied to the modulator of the picture transmitter.

E_Y is the gamma-corrected voltage of the monochrome (black-and-white) portion of the color picture signal, corresponding to the given picture element.[21]

E_Q and E_I are the amplitudes of two orthogonal components of the chrominance signal corresponding respectively to narrow-band and wide-band axes.

E_R E_G', and E_B are the gamma-corrected voltages corresponding to red, green, and blue signals during the scanning of the given picture element.

ω is the angular frequency and is 2π times the frequency of the chrominance subcarrier.

The portion of each expression between brackets in (i) represents the chrominance subcarrier signal which carries the chrominance information.

The phase reference in the E_M equation in (i) is the phase of the burst+180°, as shown in Figure 4 (c). The burst corresponds to amplitude modulation of a continuous sine wave.

[20] These items are subject to change but are considered the best practice under the present state of the art. They will not be enforced pending a further determination thereof.

[21] Forming of the high frequency portion of the monochrome signal in a different manner is permissible and may in fact be desirable in order to improve the sharpness on saturated colors.

(iii) The equivalent bandwidth assigned prior to modulation to the color difference signals E_Q' and E_I' are as follows:

Q-channel bandwidth:
At 400 kc less than 2 db down.
At 500 kc less than 6 db down.
At 600 kc at least 6 db down.
I-channel bandwidth:
At 1.3 mc less than 2 db down.
At 3.6 mc at least 20 db down.

(iv) The gamma corrected voltages E_R' E_G' and E_B' are suitable for a color picture tube having primary colors with the following chromaticities in the CIE system of specification:

	x	y
Red (R)	0.67	0.33
Green (G)	0.21	0.71
Blue (B)	0.14	0.08

and having a transfer gradient (gamma exponent) of 2.2 [22] associated with each primary color. The voltages E_R' E_G' and E_B' may be respectively of the form E_R1/γ, E_G1/γ, and E_B1/γ although other forms may be used with advances in the state of the art.

(v) The radiated chrominance subcarrier shall vanish on the reference white of the scene.[22a]

(vi) E_Y' E_Q' E_I' and the components of these signals shall match each other in time to 0.05 μsecs.

(vii) The angles of the subcarrier measured with respect to the burst phase, when reproducing saturated primaries and their complements at 75 percent of full amplitude, shall be within $\pm 10°$ and their amplitudes shall be within ± 20 percent of the values specified above. The ratios of the measured amplitudes of the subcarrier to the luminance signal for the same saturated primaries and their complements shall fall between the limits of 0.8 and 1.2 of the values specified for their ratios. Closer tolerances may prove to be practicable and desirable with advance in the art.

3. Section 3.687 is amended as follows:

A. Delete paragraph (a) and substitute the following:

§ 3.687 *Transmitters and associated equipment*—(a) *Visual transmitter* (1) For monochrome transmission only, the overall attenuation characteristics of the transmitter, measured in the antenna transmission line after the vestigial sideband filter (if used) shall not be greater than the following amounts below the ideal demodulated curve. (See Appendix III, Figure 7.)

2 db at 0.5 mc.
2 db at 1.25 mc.
3 db at 2.0 mc.
6 db at 3.0 mc.
12 db at 3.5 mc.

The curve shall be substantially smooth between these specified points, exclusive of the region from 0.75 to 1.25 mc.[22]

(2) For color transmission, the standard given by § 3.687 (a) (1) applies except as modified by the following: A sine wave of 3.58 mc introduced at those terminals of the transmitter which are normally fed the composite color picture signal shall produce a radiated signal having an amplitude (as measured with a diode on the R. F. transmission line supplying power to the antenna), which is down 6 ± 2 db with respect to a signal produced by a sine wave of 200 kc. In addition, the amplitude of the signal shall not vary by more than ± 2 db between the modulating frequencies of 2.1 and 4.18 mc.

(3) The field strength or voltage of the lower sideband, as radiated or dissipated and measured as described in subparagraph (4) of this paragraph, shall not be greater than —20 db for a modulating frequency of 1.25 mc or greater and in addition, for color, shall not be greater than —42 db for a modulating frequency of 3.579545 mc (the color subcarrier frequency) For both monochrome and color, the field strength or voltage of the upper sideband as radiated or dissipated and measured as described in subparagraph (4) of this paragraph shall not be greater than —20 db for a modulating frequency of 4.75 mc or greater. [23] [23a]

(4) The attenuation charactertistics of a visual transmitter shall be measured by application of a modulating signal to the transmitter input terminals in place of the normal composite television video signal. The signal applied shall be a composite signal composed of a synchronizing signal [23] to establish peak output voltage plus a variable frequency sine wave voltage occupying the interval between synchronizing pulses. The axis of the sine wave in the composite signal observed in the output monitor shall be maintained at an amplitude 0.5 of the voltage at synchronizing peaks. The amplitude of the sine wave input shall be held at a constant value. This constant value should be such that at no modulating frequency does the maximum excursion of the sine wave, observed in the composite output signal monitor, exceed the value 0.75 of peak output voltage. The amplitude of the 200 kilocycle sideband shall be measured and designated zero db as a basis for comparison. The modulation signal frequency shall then be varied over the desired range and the field strength or signal voltage of the corresponding sidebands measured. As an alternate method of measuring, in those cases in which the automatic d-c insertion can be replaced by manual control, the above characteristic may be taken by the use of a video sweep generator and without the use of pedestal synchronizing pulses. The d-c level shall be set for midcharacteristic operation.

(5) A sine wave, introduced at those terminals of the transmitter which are normally fed the composite color picture signal, shall produce a radiated signal having an envelope delay, relative to the average envelope delay between 0.05 and 0.20 mc, of zero microseconds up to a frequency of 3.0 mc; and then linearly decreasing to 4.18 mc so as to be equal to —0.17 μsecs at 3.58 mc. The tolerance on the envelope delay shall be ± 0.05 μsecs at 3.58 mc. The tolerance shall increase linearly to ± 0.1 μsec down to 2.1 mc, and remain at ± 0.1 μsec down to 0.2 mc.[23a] The tolerance shall also increase linearly to ± 0.1 μsec at 4.18 mc.

(6) The radio frequency signal, as radiated, shall have an envelope as would be produced by a modulating signal in conformity with Appendix III, Figure 4 (a) or (b), as modified by vestigial sideband operation specified by Appendix III, Figure 3.

(7) The time interval between the leading edges of successive horizontal pulses shall vary less than one half of one percent of the average interval. However, for color transmissions, § 3.682 (a) (5) and § 3.682 (a) (6) shall be controlling.

(8) The rate of change of the frequency of recurrence of the leading edges of the horizontal synchronizing signals shall be not greater than 0.15 percent per second, the frequency to be determined by an averaging process carried out over a period of not less than 20, nor more than 100 lines, such lines not to include any portion of the blanking interval. However, for color transmissions, § 3.682 (a) (5) and § 3.682 (a) (6) shall be controlling.

[22] At the present state of the art it is considered inadvisable to set a tolerance on the value of gamma and correspondingly this portion of the specification will not be enforced.

[22a] The numerical values of the signal specification assume that this condition will be reproduced as CIE Illuminant C ($x=0.310$, $y=0.316$).

[23] Output measurement shall be made with the transmitter operating into a dummy load of pure resistance and the demodulated voltage measured across this load. The ideal demodulated curve is that shown in Appendix III, Figure 7.

[23a] Field strength measurements are desired. It is anticipated that these may not yield data which are consistent enough to prove compliance with the attenuation standards prescribed above. In that case, measurements with a dummy load of pure resistance, together with data on the antenna characteristics, shall be taken in place of over-all field measurements.

[23a] Television stations shall have until July 1, 1954, for compliance with the requirements of this subparagraph with respect to attenuation of the upper sidebands.

[23] The "synchronizing signal" referred to in this section means either a standard synchronizing wave form or any pulse that will properly set the peak.

[23a] Tolerances for the interval of 0.0 to 0.2 mc are not specified at the present time.

(9) Sufficient monitoring equipment shall be employed to determine whether the visual signal complies with the requirements of this subpart.

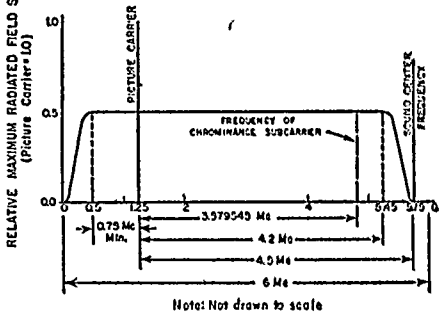
(10) For color transmission the transfer characteristic (that is the relationship between the transmitter RF output and video signal input) shall be substantially linear between the reference black and reference white levels.

B. Delete paragraph (c) (1) of § 3.687 and substitute the following:

(c) *Requirements applicable to both visual and aural transmitters.* (1) Automatic means shall be provided in the visual transmitter to maintain the carrier frequency within one kilocycle of the authorized frequency; automatic means shall be provided in the aural transmitter to maintain the carrier frequency within four kilocycles of the assigned aural carrier frequency or, alternatively 4.5 megacycles above the actual visual carrier frequency within 5 kilocycles. For color transmission the aural carrier shall be maintained 4.5 megacycles above the visual carrier within ±1 kilocycle. When required by § 3.606, the visual and aural carrier frequencies are to be offset in frequency by 10 kilocycles (plus or minus, as indicated) from the normal carrier frequencies.

IV Appendix III to Subpart E is amended as follows: Delete Figures 3, 4, and 7 and add the attached Figures 3, 4 (a) 4 (b) 4 (c), and 7.

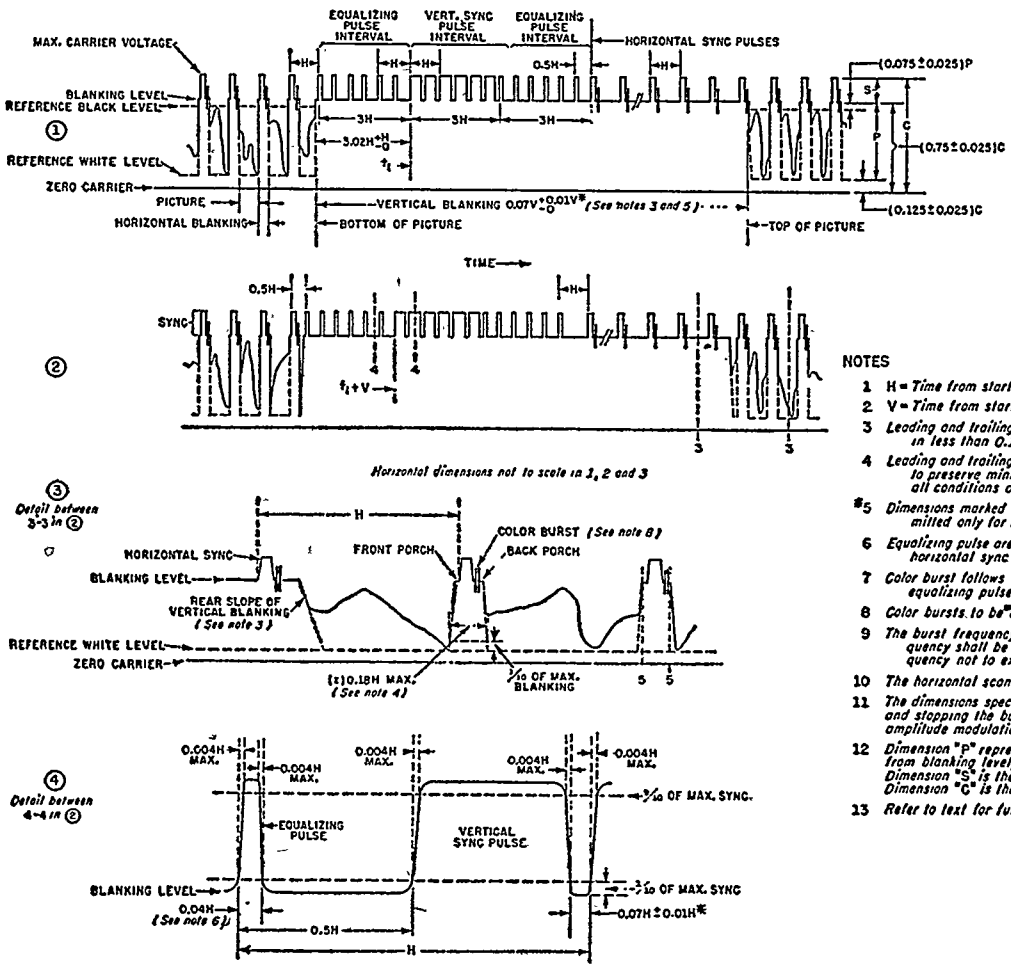
IDEALIZED PICTURE TRANSMISSION AMPLITUDE CHARACTERISTIC

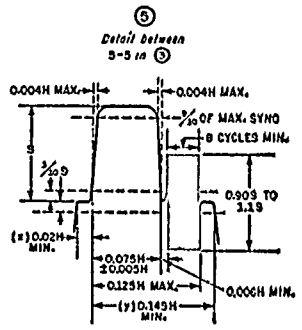


Note: Not drawn to scale

FIGURE 3.

TELEVISION SYNCHRONIZING WAVEFORM FOR COLOR TRANSMISSION



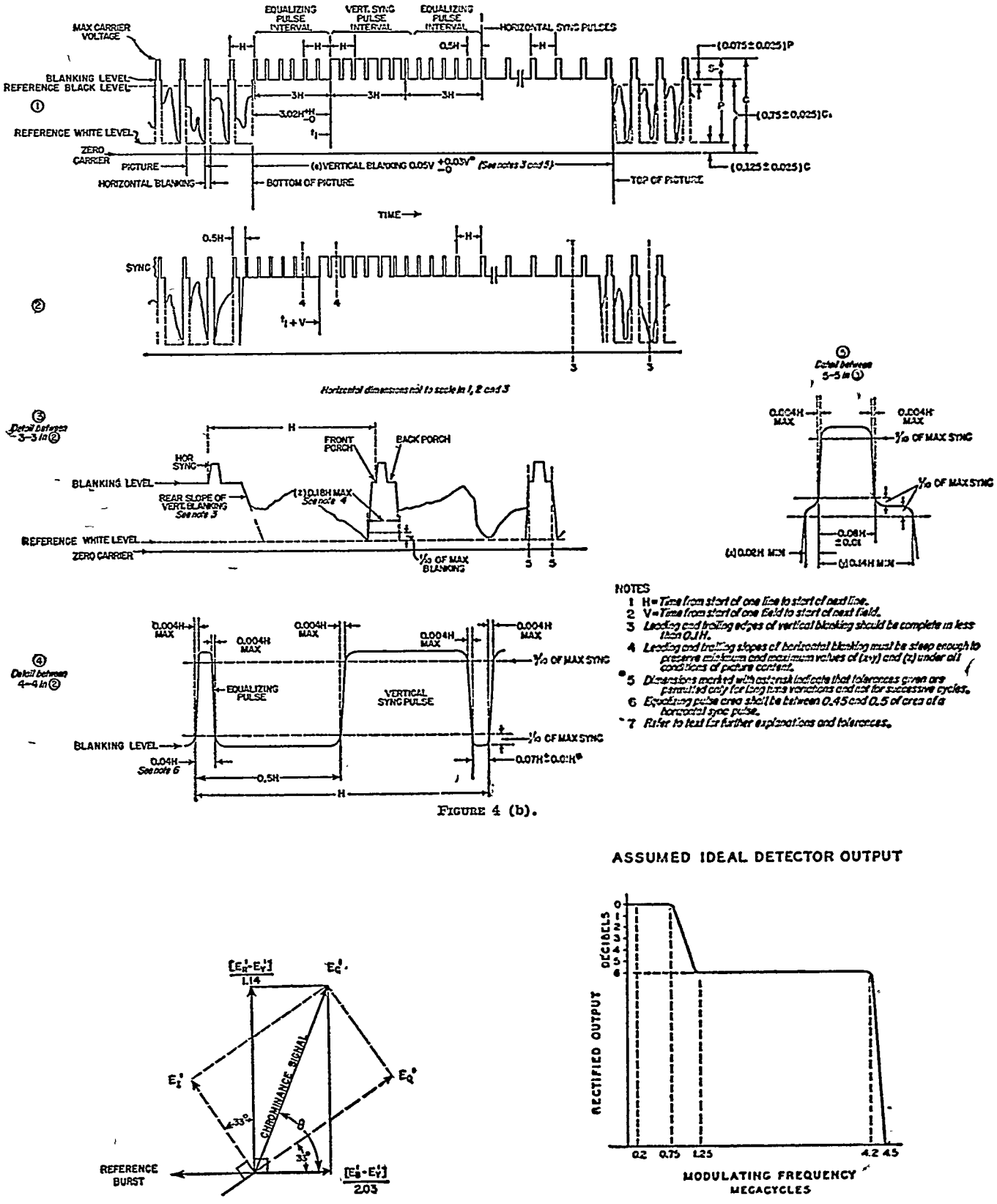


NOTES

1. H = *Time from start of one line to start of next line.*
2. V = *Time from start of one field to start of next field.*
3. *Leading and trailing edges of vertical blanking should be complete in less than 0.1H.*
4. *Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (x+y) and (z) under all conditions of picture content.*
5. *Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.*
6. *Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.*
7. *Color burst follows each horizontal pulse, but is omitted following the equalizing pulses and during the broad vertical pulses.*
8. *Color bursts to be omitted during monochrome transmission.*
9. *The burst frequency shall be 3.579545 mc. The tolerance on the frequency shall be ±10 cycles with a maximum rate of change of frequency not to exceed 1/10 cycle per second per second.*
10. *The horizontal scanning frequency shall be $\frac{2}{455}$ times the burst frequency.*
11. *The dimensions specified for the burst determine the times of starting and stopping the burst, but not its phase. The color burst consists of amplitude modulation of a continuous sine wave.*
12. *Dimension "P" represents the peak excursion of the luminance signal from blanking level, but does not include the chrominance signal. Dimension "S" is the sync amplitude above blanking level. Dimension "C" is the peak carrier amplitude.*
13. *Refer to text for further explanations and tolerances.*

FIGURE 4 (a).

TELEVISION SYNCHRONIZING WAVEFORM
FOR MONOCHROME TRANSMISSION ONLY



NOTES

1 H = Time from start of one line to start of next line.
2 V = Time from start of one field to start of next field.
3 Leading and trailing edges of vertical blanking should be complete in less than 0.1H.
4 Leading and trailing slopes of horizontal blanking must be steep enough to preserve minimum and maximum values of (x-y) and (z) under all conditions of picture content.
*5 Dimensions marked with asterisk indicate that tolerances given are permitted only for long time variations and not for successive cycles.
6 Equalizing pulse area shall be between 0.45 and 0.5 of area of a horizontal sync pulse.
*7 Refer to text for further explanations and tolerances.

FIGURE 4 (b).

FIGURE 4 (c).

ASSUMED IDEAL DETECTOR OUTPUT

FIGURE 7.

[F. R. Doc. 53-10629; Filed, Dec. 22, 1953; 8:45 a. m.]

PART 3—RADIO BROADCAST SERVICE

INTERIM COLOR TELEVISION BROADCASTS

DECEMBER 18, 1953.

On December 17, 1953, the Commission issued a Report and Order adopting new signal specifications for color television.[1] In accordance with the Administrative Procedures Act, the new rules will go into effect 30 days after publication in the FEDERAL REGISTER.

In the meantime, it is anticipated that the Commission will receive requests to operate under the new standards in order to obtain operating experience. In the past, it has been necessary to secure special temporary authority from the Commission to broadcast programs utilizing the new color standards. Henceforth, pending finalization of the color order, any TV broadcast station may without further authorization, broadcast either commercial or sustaining programs utilizing the new standards provided that the Commission is notified by wire in advance of the date and periods of the broadcasts.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

[F. R. Doc. 53-10665; Filed, Dec. 22, 1953; 8:53 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

PART 122—MONTHLY OPERATING REPORTS

MONTHLY REPORTS OF OPERATING STATISTICS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 21st day of October A. D. 1953.

The matter of monthly reports of operating statistics of Class I steam railways being under consideration:

It is ordered, That the order dated October 19, 1949, in the matter of monthly reports of operating statistics of class I steam railways (49 CFR 122.3) be, and it is hereby modified with respect to the forms of monthly reports, effective January 1, 1954, as follows:

§ 122.3 *Operating statistics.* Commencing with the month of January 1954, and monthly thereafter until further order, each and every class I steam railway, including class I switching and terminal companies, subject to the provisions of section 20, part I of the Interstate Commerce Act, is hereby required to file monthly reports of operating statistics in accordance with forms of reports and notes of instructions thereon designated:

Form OS-A—Freight Train Performance.
Form OS-B—Passenger Train Performance.
Form OS-C—Yard Service Performance.
Form OS-D—Revenue Traffic.
Form OS-E—Fuel and Power Statistics.
Form OS-F—Motive Power and Car Equipment.

which forms are attached hereto and made a part of this section:[1] *Provided however* That class I switching and terminal companies are not required to submit reports on forms designated Forms OS-A, OS-B, and OS-D. Such monthly reports shall be filed in duplicate in the Bureau of Transport Economics and Statistics, Interstate Commerce Commission, Washington, D. C., on or before the dates indicated in the notice on each form.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 20, 24 Stat. 386, as amended; 49 U. S. C. 20)

By the Commission, Division 1.

[SEAL] GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-10620; Filed, Dec. 22, 1953; 8:47 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

FIRECRACKERS

IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA) AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodity:

Firecrackers.

[SEAL] ELTING ARNOLD,
Acting Director
Foreign Assets Control.

[F. R. Doc. 53-10627; Filed, Dec. 22, 1953; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[No. 16 (R-IV)]

UTAH

ORDER PROVIDING FOR OPENING OF PUBLIC LANDS

DECEMBER 11, 1953.

In an exchange of lands made under the provisions of section 8 of the act of June 28, 1934 (48 Stat. 1269) as amended June 26, 1936 (49 Stat. 1976, 43 U. S. C. 315g) the following described lands have been reconveyed to the United States:

SALT LAKE MERIDIAN

T. 6 S., R. 6 W.
Sec. 12, N½SW¼, SE¼,
Sec. 13, NW¼NE¼, S½NE¼, N½S½, SW¼SW¼, SE¼SE¼,
Sec. 14, SE¼,
Sec. 23, NE¼,
Sec. 24, S½NW¼, NW¼SW¼,
Sec. 25, N½SW¼,
Sec. 26, N½SE¼.

The area described contains 1200 acres.

These tracts are primarily valuable for grazing, and it is unlikely that any will be classified for disposal under the homestead, desert-land, or small tract laws.

No applications for these lands may be allowed under the homestead, small tract, desert-land, or any other nonmineral public-land laws, unless the lands have already been classified as valuable or suitable for such type of application, or shall be so classified upon consideration of an application.

This order shall not otherwise become effective to change the status of such lands until 10:00 a. m. on the 35th day after the date of this order. At that time the said lands shall, subject to valid existing rights and the provisions of existing withdrawals, become subject to application, petition, location, and selection as follows:

(a) *Ninety-one day period for preference-right filings.* For a period of 91 days, commencing at the hour and on the days specified above, the public lands affected by this order shall be subject only to (1) application under the homestead or the desert-land laws or the Small Tract Act of June 1, 1938, 52 Stat. 609 (43 U. S. C. 682a) as amended, by qualified veterans of World War II and other qualified persons entitled to preference under the act of September 27, 1944, 58 Stat. 747 (43 U. S. C. 279-284), as amended, subject to the requirements of applicable law, and (2) application under any applicable public-land law, based on prior existing valid settlement rights and preference rights conferred by existing laws or equitable claims subject to allowance and confirmation. Applications under subdivision (1) of this paragraph shall be subject to applications and claims of the classes described in subdivision (2) of this paragraph. All applications filed under this paragraph, either at or before 10:00 a. m. on the 35th day after the date of this order shall be treated as though filed simultaneously at that time. All applications filed under this paragraph after 10:00 a. m. on the said 35th day shall be considered in the order of filing.

(b) *Date for non-preference-right filings.* Commencing at 10:00 a. m. on the 126th day after the date of this order, any lands remaining unappropriated shall become subject to such application, petition, location, selection, or other appropriation by the public generally as may be authorized by the public-land laws. All such applications filed either at or before 10:00 a. m. on the 126th day after the date of this order, shall be

[1] See F. R. Doc. 53-10629, *supra.*

[1] Filed as part of original document.

treated as though filed simultaneously at the hour specified on such 126th day. All applications filed thereafter shall be considered in the order of filing.

A veteran shall accompany his application with a complete photostatic, or other copy (both sides) of his certificate of honorable discharge, or of an official document of his branch of the service which shows clearly his honorable discharge as defined in § 181.36 of Title 43 of the Code of Federal Regulations, or constitutes evidence of other facts upon which the claim for preference is based and which shows clearly the period of service. Other persons claiming credit for service of veterans must furnish like proof in support of their claims. Persons asserting preference rights, through settlement or otherwise, and those having equitable claims, shall accompany their applications by duly corroborated statements in support thereof, setting forth in detail all facts relevant to their claims.

Applications for these lands, which shall be filed in the Land and Survey Office at Salt Lake City, Utah, shall be acted upon in accordance with the regulations contained in § 295.8 of Title 43 of the Code of Federal Regulations and Part 296 of that title, to the extent that such regulations are applicable. Applications under the homestead laws shall be governed by the regulations contained in Parts 166 to 170, inclusive, of Title 43 of the Code of Federal Regulations, and applications under the desert-land laws and the said Small Tract Act of June 1, 1938, shall be governed by the regulations contained in Parts 232 and 257, respectively, of that title.

Inquiries concerning these lands shall be addressed to the Manager, Land and Survey Office, 312 Federal Building, Salt Lake City, Utah.

H. BYRON MOCK,
Regional Administrator.

[F. R. Doc. 53-10606; Filed Dec. 22, 1953; 8:45 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1915]

SOUTH GEORGIA NATURAL GAS CO.

ORDER GRANTING MOTION FOR POSTPONEMENT OF HEARING

South Georgia Natural Gas Company (Applicant) filed a motion on December 7, 1953, for continuance of hearing and extension of date for serving copies of testimony and exhibits in the above proceeding.

By its order issued November 13, 1953, the Commission reopened these proceedings to convene on January 18, 1954, and directed Applicant to serve its testimony and exhibits upon the parties and the Staff no later than January 5, 1954. The Applicant in its motion requests the Commission to continue those dates to March 29 and March 15, 1954, respectively.

The Applicant now states that it requires additional time to prepare its exhibits on engineering studies and market surveys so as to bring them up to date to reflect changed conditions, and, further, that its attorneys are so continuously occupied in other proceedings now long pending that the testimony proposed to be offered at the reopened proceeding cannot be properly prepared by the date now provided by the order issued November 13, 1953.

The Applicant also alleges that it has been informed that its proposed municipal wholesale customers require additional time to make further studies.

No objections have been filed in opposition to the granting of the motion.

The Commission finds: Good cause exists for postponement of hearing in this proceeding as hereinafter ordered.

The Commission orders:

(A) The hearing in this proceeding, reopened by our order issued November 13, 1953, be convened on March 29, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C.

(B) The Applicant, on or before March 15, 1954, shall serve upon all parties copies of the testimony and exhibits it proposes to offer at the reopened hearing, including five (5) copies upon Commission Staff Counsel.

(C) In all other respects the order issued November 13, 1953, in this matter shall remain in full force and effect.

Adopted: December 16, 1953.

Issued: December 18, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10626; Filed, Dec. 22, 1953; 8:48 a. m.]

[Docket No. G-2316]

TENNESSEE GAS TRANSMISSION CO.

NOTICE OF AMENDED APPLICATION

DECEMBER 17, 1953.

Take notice that Tennessee Gas Transmission Company (Applicant) a Delaware corporation, address Commerce Building, Houston, Texas, filed on December 11, 1953, a first amended application to its application for a certificate of public convenience and necessity filed on November 18, 1953, notice of which was published in the FEDERAL REGISTER on December 12, 1953 (18 F. R. 8192).

Applicant seeks authorization to transport for the account of Equitable Gas Company (Equitable) up to approximately 24,400 Mcf of natural gas per day, such gas to be purchased by Equitable in the Flour Bluffs Field of Nueces County, Texas. Applicant now proposes to utilize unallocated design day sales capacity of its authorized system in order to transport the gas rather than to construct and operate 28,000 horsepower of additional compressor units as proposed in the original application. It does, however, still propose the construction and operation of approximately fifty miles of 10¾-inch pipeline extending from the Flour Bluffs Field to Applicant's Compressor Station Number 1 in Texas.

The estimated cost of the proposed facilities is $1,575,000, and Applicant proposes no separate financing in connection with this project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 7th day of January, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10603; Filed, Dec. 22, 1953; 8:45 a. m.]

[Docket No. G-2220]

UNITED NATURAL GAS CO.

ORDER FIXING DATE OF HEARING

United Natural Gas Company (Applicant) a Pennsylvania corporation with its principal office in Oil City, Pennsylvania, filed an application with the Federal Power Commission on August 17, 1953, and supplements thereto on September 14, and October 26, 1953, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the operation of facilities and the sale of natural gas subject to the jurisdiction of the Commission as described in the application and supplements thereto on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's rules of practice and procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for non-contested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application including publication in the FEDERAL REGISTER on September 4, 1953 (18 F. R. 5375).

The Commission orders:

(A) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on January 11, 1954, at 9:45 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(B) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: December 16, 1953.

Issued: December 17, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10609; Filed, Dec. 22, 1953; 8:45 a. m.]

[Docket No. G-2335]

OLIN INTERSTATE CORP.

NOTICE OF APPLICATION

DECEMBER 17, 1953.

On December 14, 1953, Olin Interstate Corporation (Applicant) a Delaware corporation with its executive office at 570 Lexington Avenue, New York 22, New York, filed an application for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the acquisition and operation of all the facilities of Interstate Natural Gas Company, Incorporated (Interstate Natural) a Delaware corporation with its principal office in the Ouchita National Bank Building, Monroe, Louisiana.

The application states, among other things, that Applicant is a wholly owned subsidiary of Olin Industries, Inc., that Applicant owns more than 99 percent of the outstanding capital stock of Interstate Natural; and, that all of the facilities, properties, contracts and other assets of Interstate Natural are proposed to be acquired by means of a corporate merger if the applied for authorization is granted by this Commission. It is proposed that Applicant shall be the corporation surviving the merger that its name be changed to "Olin Gas Transmission Corporation" and, that the facilities acquired from Interstate Natural shall, after the merger, be used and operated "in the same manner as used and operated by Interstate Natural." Applicant also states "no changes are expected to occur other than would occur in any event were such merger not to take place."

The application also states, among other things, that Interstate Natural is a "natural-gas company" under the Natural Gas Act, subject to the jurisdiction of the Commission; that its business, commencing in 1926 and at the present time, has been and is the production, purchase, transportation, and sale of natural gas, both in interstate commerce and intrastate commerce; that its properties are located in the States of Louisiana and Mississippi; that the depreciated original cost of such properties recorded on the books of Interstate Natural as of September 30, 1953, amounted ot $16,310,288; that its net income for the calendar year 1952 was $2,996,414 and for the first nine months of 1953, $2,190,293; and, that as of September 30, 1953, Interstate Natural's capital structure consisted of $16,020,612 capital stock and earned surplus with no outstanding debt.

The application states that Applicant was incorporated in June 1953, and thereafter issued 952,953 shares of capital stock, par value $1.00 per share, to Olin Industries, Inc., in exchange for, among other things, 70,000 shares of capital stock of Interstate Natural; that Applicant has acquired 873,486 shares of Interstate Natural stock at a price of $45 per share, leaving 9,467 shares of Interstate Natural stock outstanding not owned by Applicant; that incident to the merger, Applicant proposes to cancel the capital stock of Interstate Natural owned by it and to issue the stockholders holding the 9,467 shares 6 percent 5-year bonds upon the basis of $45 per share for each share of such capital stock; and, that upon the basis of the foregoing Applicant will have paid for all the capital stock of Interstate Natural, cash and bonds, totaling $42,882,885. The purchase of such stock has been financed principally through the issue and sale to The Prudential Insurance Company of America of $31,300,000 of 4½ percent notes, due July 1, 1955, guaranteed by Olin Industries, Inc. Prior to the maturity of such notes, Applicant proposes to exchange such notes for 18-year 4½ percent notes secured by a mortgage on the physical properties and guaranteed by Olin Oil & Gas Corporation.

Applicant proposes to record the facilities to be acquired from Interstate Natural at $65,526,412, the original cost of which as recorded on the books of Interstate Natural amounted to $40,872,205 as of September 30, 1953. The applicant proposes to record such original cost on its books and also to record an acquisition adjustment (Account 100.5) in the amount of $24,654,207. Applicant alleges that this acquisition adjustment is applicable to the physical properties to be acquired, and that such adjustment is proper based upon reproduction cost and other valuation studies submitted as a part of the application. The application includes a proposed plan to amortize such acquisition adjustment over varying periods, ranging from 4 to 33⅓ years, in the future.

Applicant alleges that, if authorization is granted for the proposed acquisition, it proposes to claim the cost of acquiring Interstate Natural as the basis for future income tax computation and liability and that this "should result in lower Federal income taxes" that there is "no expectation" of any change of rates for gas sold by Interstate Natural for resale; and, that "no harmful effect will result to any customer" and no change is anticipated in the operation of the facilities or in the sales of natural gas which are subject to the Commission's jurisdiction.

Applicant requests that the intermediate decision procedure be omitted and waives oral hearing and opportunity to filing exceptions to the decision of the Commission, and requests that the application be disposed of pursuant to the shortened procedure provided for by § 1.32 (b) of the Commission's rules of practice and procedure (18 CFR 1.32 (b)).

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10) on or before the 8th day of January, 1954. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-10625; Filed, Dec. 22, 1953; 8:48 a. m.]

[Docket No. G-2336]

ALABAMA-TENNESSEE NATURAL GAS CO.

ORDER SUSPENDING PROPOSED NEW TARIFF SHEETS

The Commission, by order issued September 24, 1953, at Docket No. G-2253, suspended and deferred the use of Alabama-Tennessee Natural Gas Company's (Alabama-Tennessee) proposed Sixth Revised Sheet No. 4 and Third Revised Sheet No. 7-A to its FPC Gas Tariff, Original Volume No. 1, until March 1, 1954, and until such further time thereafter as said proposed tariff sheets might be made effective in the manner prescribed by the Natural Gas Act, and ordered that a public hearing concerning the lawfulness of Alabama-Tennessee's proposed tariff sheets be held on February 24, 1954.

On November 17, 1953, Alabama-Tennessee filed Fourth Revised Sheet No. 7-A, Second Revised Sheet No. 7-B, and Original Sheets Nos. 7-C,[1] 7-D, 7-E, and 7-F to its FPC Gas Tariff, Original Volume No. 1, proposing to change its general service Rate Schedule G-1 and small general service Rate Schedule SG-1 by instituting a penalty of $10.00 per Mcf of gas taken without prior approval in excess of 1 percent over the contracted maximum daily delivery obligation. A penalty of $1.00 per Mcf of gas is proposed for unauthorized over-runs of up to 1 percent of the maximum contractual obligation.[2]

The proposed penalty provision is alleged to be modeled after the provision in the tariff of Tennessee Gas Transmission Company, Alabama-Tennessee's supplier. It is further alleged that such penalty provision is a "necessary policing measure to become operative at times when deliveries reach full capacity to assure that each resale customer will receive the quantity of gas to which he is entitled under his service agreement * * *"

The penalty provision would apply only to resale customers and may, therefore, result in discrimination against such customers. Furthermore, discrimination between customers to whom the penalty provision would apply may result from the fact that no basis is stated upon which Alabama-Tennessee's approval for over-runs is to be given nor how a buyer may qualify for such approval.

Six customer-companies have protested the proposed penalty provision and have requested that the proposal be suspended and the matter set for hearing.

The proposed penalty provision has not been shown to be justified and may be unjust, unreasonable, unduly discriminatory or preferential.

[1] Alabama-Tennessee requests that Original Sheet No. 7-C be substituted for Third Revised Sheet No. 7-A.

[2] At Docket No. G-2096 a substantially similar penalty provision was proposed by Alabama-Tennessee. The filing proposing such provision was suspended by order of the Commission and subsequently eliminated as a part of the settlement of the proceedings in said Docket No. G-2096 and Docket No. G-2070.

The Commission finds: It is necessary and proper in the public interest, and to aid in the enforcement of the provisions of the Natural Gas Act, that the Commission enter upon a hearing, as hereinafter ordered, pursuant to the authority contained in section 4 of that act, concerning the lawfulness of the rates, charges, classifications, and services, or any of them, contained in Alabama-Tennessee's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 7–A, Second Revised Sheet No. 7–B, and Original Sheets Nos. 7–C, 7–D, 7–E, and 7–F thereto, and that said tariff sheets be suspended as hereinafter provided, and the use thereof be deferred pending hearing and decision thereon.

The Commission orders:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 4, 15, and 16 of the Natural Gas Act, and the Commission's general rules and regulations, including rules of practice and procedure (18 CFR Chapter I) a public hearing be held, commencing on January 18, 1954, at 10:00 a. m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services or any of them, contained in the aforesaid Alabama-Tennessee Natural Gas Company's FPC Gas Tariff, Original Volume No. 1, as proposed to be amended by Fourth Revised Sheet No. 7–A, Second Revised Sheet No. 7–B, and Original Sheets Nos. 7–C, 7–D, 7–E, and 7–F.

(B) Pending such hearing and decision thereon, Alabama-Tennessee's proposed Fourth Revised Sheet No. 7–A, Second Revised Sheet No. 7–B, and Original Sheets Nos. 7–C, 7–D, 7–E, and 7–F be and the same are hereby suspended and the use thereof deferred until May 17, 1954, and until such further time thereafter as said proposed sheets may be made effective in the manner prescribed by the Natural Gas Act.

(C) Interested State commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the Commission's rules of practice and procedure.

Adopted: December 16, 1953.

Issued: December 17, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53–10610; Filed, Dec. 22, 1953; 8:46 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

FLORIDA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN FLOOD AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional counties are determined as of December 9, 1953, to be in the area affected by the major disaster occasioned by floods determined by the President on October 22, 1953, pursuant to Public Law 875, 81st Congress:

FLORIDA

Orange.	Sumter.
Osceola.	Volusia.
Polk.	

Done this 17th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53–10623; Filed, Dec. 22, 1953; 8:47 a. m.]

NORTH CAROLINA

DISASTER ASSISTANCE; DELINEATION AND CERTIFICATION OF COUNTIES CONTAINED IN DROUGHT AREA

Pursuant to the authority delegated to me by the Administrator of the Federal Civil Defense Administration (18 F. R. 4609) and for the purposes of section 2 (d) of Public Law 38, 81st Congress, as amended by Public Law 115, 83d Congress, the following additional county is determined as of December 10, 1953, to be in the area affected by the major disaster occasioned by drought determined by the President on September 16, 1953, pursuant to Public Law 875, 81st Congress:

NORTH CAROLINA

Iredell.

Done this 17th day of December 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53–10624; Filed, Dec. 22, 1953; 8:48 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28758]

BLACKSTRAP MOLASSES FROM GULF PORTS TO SOUTHERN POINTS

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Blackstrap molasses, distillery molasses residuum and citrus pomace final syrup, carloads.

From: Gulfport, Miss., Mobile, Ala., and New Orleans, La.

To: Specified points in Georgia, North Carolina, and South Carolina.

Grounds for relief: Competition with rail carriers and circuitous routes.

Schedules filed containing proposed rates: W. P. Emerson, Jr., Agent, I. C. C. No. 395, supp. 119.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10616; Filed, Dec. 22, 1953; 8:46 a. m.]

[4th Sec. Application 28759]

VOLCANIC SCORIA FROM ANTONITO AND MESITA, COLO., TO POINTS IN ILLINOIS AND WESTERN TRUNK-LINE TERRITORIES

APPLICATION FOR RELIEF

DECEMBER 13, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W. J. Prueter, Agent, for carriers parties to his tariff I. C. C. No. A–3560.

Commodities involved: Volcanic scoria, ash or slag, carloads.

From: Antonito and Mesita, Colo.

To: Points in Illinois and western trunk-line territories.

Grounds for relief: Rail competition, circuity, to apply rates constructed on the basis of the short line distance formula, and additional commodity.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Secretary.*

[F. R. Doc. 53–10617; Filed, Dec. 22, 1953; 8:46 a. m.]

[4th Sec. Application 28760]

PIG IRON FROM KEOKUK, IOWA, TO SAGINAW, MICH.

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to schedule listed below.

Commodities involved: Pig iron, in carloads.

From: Keokuk, Iowa.

To: Saginaw, Mich.

Grounds for relief: Competition with rail carriers, and market competition.

Schedules filed containing proposed rates: W J. Prueter, Agent, I. C. C. No. A-3894, supp. 12.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 53-10618; Filed, Dec. 22, 1953; 8:47 a. m.]

[4th Sec. Application 28761]

CANNED OR PRESERVED FOODSTUFFS BETWEEN JACKSON, MISS., AND PACIFIC COAST TERRITORY

APPLICATION FOR RELIEF

DECEMBER 18, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by W J. Prueter, Agent, for carriers parties to his tariffs I. C. C. Nos. 1552 and 1559.

Commodities involved: Canned or preserved foodstuffs, carloads.

Between: Jackson, Miss., and Pacific Coast territory.

Grounds for relief: Competition with rail carriers, circuitous routes, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Secretary.*

[F. R. Doc. 53-10619; Filed, Dec. 22, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3149]

NARRAGANSETT ELECTRIC CO.

SUPPLEMENTAL ORDER REGARDING SALE OF PREFERRED STOCK

DECEMBER 17, 1953.

The Commission, by order dated December 3, 1953, having granted and permitted to become effective the application-declaration of The Narragansett Electric Company ("Narragansett") a public-utility subsidiary company of New England Electric System, a registered holding company, proposing the issuance and sale by Narragansett of 150,000 shares, ___ Percent Series, $50 par value cumulative preferred stock, subject to reservations of jurisdiction with respect to the results of competitive bidding under Rule U-50 and all fees and expenses to be paid in connection with the proposed transaction; and

Narragansett having on December 17, 1953, filed a further amendment to its application-declaration herein setting forth the action taken by it to comply with the requirements of Rule U-50, and stating that, pursuant to the invitation for competitive bids, the following bids have been received:

Group headed by—	Annual dividend rate (percent)	Price to Company (dollars per share)[1]	Annual cost to Company (percent)
Kidder, Peabody & Co. and Stone & Webster Securities Corp.	4.64	50.20	4.6215
Blyth & Co., Inc. and Harriman Ripley & Co., Inc.	4.64	50.14	4.6270
Lehman Bros. and Goldman, Sachs & Co.	4.72	50.6499	4.6594
Union Securities Corp. and Smith, Barney & Co.	4.72	50.5739	4.6664
White, Weld & Co.	4.72	50.4077	4.6818

[1] Exclusive of accrued dividends from Dec. 16, 1953.

The amendment having further stated that Narragansett has accepted the bid of the group headed by Kidder, Peabody & Co. and Stone & Webster Securities Corporation, as set forth above, and that the preferred stock will be reoffered to the public at a price of $51.125 per share, plus accrued dividends from December 16, 1953, resulting in an underwriting spread of $0.925 per share or an aggregate of $138,750; and

The record having been completed with respect to the fees and expenses incurred or to be incurred in connection with the proposed transactions, and it appearing that such fees and expenses are estimated as follows:

Fee for registration of the preferred stock under the Securities Act of 1933	$780
Federal original issue stamp tax	8,250
Rhode Island fee re increase in capital stock	7,500
Services of New England Power Service Co. (an affiliated service company) performed at cost	10,000
Printing costs of the registration statement, prospectus, exhibits and other related documents	12,000
Printing of the preferred stock certificates in definitive form	1,000
Services of Lybrand, Ross Bros. & Montgomery, independent public accountants	1,100
Services of Edwards & Angell, counsel	4,020
Services of the transfer agent and registrar with reference to the registration and issue of preferred stock certificates	2,000
Mailing costs, advertising public invitation for bids, filing fees and qualification under Blue Sky Laws, and miscellaneous (including provision for reimbursement of out-of-pocket expenses in connection with the services described above)	3,070

It also appearing that the fee and expenses of Milbank, Tweed, Hope & Hadley, counsel for the purchasers of the new preferred stock, which are to be paid by said purchasers, are estimated at $6,500 and $500, respectively; and

The Commission having examined the record in the light of said amendment, and observing no basis for imposing terms and conditions with respect to the price to be received for said preferred stock, the dividend rate and the underwriters' spread and it appearing to the Commission that the above fees and expenses are not unreasonable if they do not exceed the amounts estimated, and it appearing that jurisdiction heretofore reserved over the results of competitive bidding and over all fees and expenses should be released:

It is ordered, That jurisdiction heretofore reserved to consider the results of competitive bidding with respect to the issuance and sale of the new preferred stock and over all fees and expenses to be paid in connection with the proposed sale of said stock, including the fee and expenses of counsel for the purchasers of the new preferred stock, be, and the same hereby is, released and that such application-declaration, as amended, be, and the same hereby is, granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10612; Filed, Dec. 22, 1953; 8:46 a. m.]

[File No. 70-3166]

ELECTRIC BOND AND SHARE CO.

ORDER AUTHORIZING SALE BY PARENT AT COMPETITIVE BIDDING OF SECURITIES OF SUBSIDIARY

DECEMBER 17, 1953.

Electric Bond and Share Company ("Bond and Share") a registered holding company, having filed an application-declaration pursuant to sections 9, 10 and 12 (d) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-44 (a) and U-50 promulgated thereunder with respect to the following proposed transactions:

Bond and Share heretofore filed with the Commission its Final Comprehensive Plan as finally amended July 7, 1953 (the "Plan") under section 11 (e) of the act. The Plan was approved by orders of the Commission dated February 20, 1953, and July 15, 1953, and by order of the United States District Court for the Southern District of New York dated July 16, 1953.

The Plan proposed, among other things, that Bond and Share would dispose of certain of its holdings of common stock of United Gas Corporation ("United Gas") by capital distribution, dividend distributions and rights offerings to the Bond and Share stockholders. Provision was also made that the remainder of the shares of United Gas stock to be disposed of under the Plan should be disposed of by Bond and Share in such manner and on such terms as it deemed appropriate within two years after the effective date of the Plan which was July 16, 1953. Bond and Share now holds 1,755,053 shares of United Gas common stock (being approximately 13.6 percent of the outstanding shares of such stock)

Bond and Share now proposes to sell at public offering after receiving competitive bids 100,000 shares of its present holdings of United Gas common stock plus such additional shares not exceeding 15,000 as Bond and Share may acquire during the course of stabilizing operations to be effected by Bond and Share in connection with the proposed sale. Bond and Share presently proposes to publish its notice of public invitation for bids not later than December 18, 1953 and to receive bids not earlier than 3:45 p. m., on December 21, 1953. Bond and Share proposes to comply with the provisions of Rule U-50 of the Commission with the exception that it requests that the Commission reduce its 10-day period provided by sub-division (b) of that rule to the extent necessary to permit Bond and Share to carry out the time schedule just described respecting the publication of its invitation for bids and the receipt of bids.

Bond and Share requests permission from the Commission to purchase not more than 15,000 shares of United Gas common stock for the purpose of stabilizing the market for that stock on the New York Stock Exchange. It is contemplated that such stabilizing purchases may commence immediately upon the issuance of the order of the Commission relating to this application-declaration and that such purchases will be effected at a price (exclusive of a commission) not in excess of the last preceding sale price of the United Gas common stock on the New York Stock Exchange. It is further contemplated that such stabilizing purchases may continue up to the receipt by Bond and Share of bids for the shares of United Gas common stock herein proposed to be sold. As above indicated all shares of such stock purchased for stabilizing purposes will be sold by Bond and Share together with the 100,000 shares of United Gas stock proposed to be sold as herein provided.

Bond and Share requests that the Commission's order with respect to the foregoing transactions recite that such transactions are necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and are necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested or ordered by the Commission, and the Commission finding with respect to said application-declaration that the applicable standards of the act and the rules are satisfied and that it is not necessary to impose any terms or conditions other than those set forth below, and that the 10-day period as provided for in Rule U-50 may be shortened to the extent requested, and the Commission deeming it appropriate that said application-declaration be granted and permitted to become effective forthwith, subject to the reservation of jurisdiction hereinafter provided:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application-declaration be, and it hereby is, granted and permitted to become effective forthwith, subject to the conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That the proposed sale by Bond and Share of the common stock of United Gas shall not be consummated until the results of competitive bidding shall have been made a matter of record in this proceeding and a further order shall have been issued in the light of the record so completed, which order may contain such further terms or conditions as may then be deemed appropriate;

(2) That jurisdiction be reserved with respect to the fees and expenses incurred or to be incurred by Bond and Share in connection with the proposed sale of stock;

(3) That jurisdiction be reserved to make, to the extent appropriate, further orders, findings and recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-10611; Filed, Dec. 22, 1953; 8:46 a. m.]

[File No. 812-850]

INVESTORS DIVERSIFIED SERVICES, INC.

NOTICE OF FILING OF APPLICATION FOR ORDER APPROVING INCENTIVE PAY PLAN

DECEMBER 17, 1953.

Notice is hereby given that Investors Diversified Services, Inc., of Minneapolis, Minnesota, ("IDS"), a registered face-amount certificate company, has filed an application pursuant to section 17 (d) of the Investment Company Act of 1940 and Rule N-17D-1 of the rules and regulations promulgated thereunder for an order of the Commission permitting it to effect an incentive pay plan for the benefit of its district managers, sales representatives and divisional office secretaries who are directly and indirectly offering for sale and selling face-amount certificates and other securities for which applicant is the underwriter, under which proposed payments are to be made on or about October 1, 1954, based on business done during the year 1953. The proposed plan is similar in purpose, terms and conditions to like plans in effect for the year 1952 and previous years.

IDS, which is controlled by Alleghany Corporation, a holding company, is also registered with the Commission as a broker under the provisions of the Securities Exchange Act of 1934. It is the underwriter and distributor of securities issued by three wholly owned face-amount certificate companies; Investors Syndicate Title & Guaranty Co., Investors Syndicate of Canada, Ltd., and Investors Syndicate of America, Inc., the latter a registered face-amount certificate company under the act, and of securities issued by Investors Mutual, Inc., Investors Stock Fund, Inc., and Investors Selective Fund, Inc. registered open-end investment companies; and Investors Mutual of Canada, Ltd., an open-end investment company, all of which were organized and promoted by IDS.

The purpose of the proposed incentive pay plan is to reward the employees of IDS for their ability in obtaining what the applicant refers to as "quality business." For the most part, the plan gives weight to sales made that are not liquidated or delinquent. The performance of individuals is proposed to be measured against the national performance of IDS and incentive payments are proposed to be made to each individual who qualifies under the terms of the plan with respect to period of employment and the sale of a certain minimum amount of securities.

Rule N-17D-1, promulgated under section 17 (d) of the act, provides, among other things, that it shall be unlawful, with certain exceptions not applicable here, for any affiliated person of a registered investment company or of any company controlled by any such registered company to participate in, or effect any transaction in connection with any bonus, profit-sharing or pension plan in which any such registered or controlled company is a participant unless an application regarding such plan has been granted by the Commission.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said

application which is on file in the office of the Commission in Washington, D. C.

Notice is further given that any interested person may, not later than January 5, 1954, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-10613; Filed, Dec. 22, 1953; 8:46 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

CLEMENTE ALDOBRANDINI AND FERDINANDO ALDOBRANDINI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Clemente Aldobrandini, and Ferdinando Aldobrandini, Rome, Italy, Claim No. 39732; $247.77 in the Treasury of the United States; one-half (½) thereof to each claimant.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-10631; Filed, Dec. 22, 1953; 8:50 a. m.]

MRS. WILLIAM ASPENWALL BRADLEY

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mrs. William Aspenwall Bradley (Mrs. Jenny Serruys Bradley) 18, Quai de Bethune, Paris 4° France, Claim No. 43125; $121.76 in the Treasury of the United States. All right, title and interest and claim of whatsoever nature arising out of an agency interest in a publication contract dated October 29, 1941, between Jules Romains and Alfred A. Knopf, Inc. covering royalties on the novel, A NEW DAY, and a supplementary letter dated November 5, 1941, between the same parties, defining and reaffirming the claimant's agency interest, to the extent owned by Mrs. William A. Bradley immediately prior to the vesting thereof by Vesting Order 3918, effective July 19, 1944.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-10632; Filed, Dec. 22, 1953; 8:50 a. m.]

LUEDER FICKEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Lueder Ficken, (23) Loehnhorst, Post-Bremen—St. Magnus, Germany, Claim No. 40980; $900.57 in the Treasury of the United States.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-10633; Filed, Dec. 22, 1953; 8:50 a. m.]

JACOB KOMPANEIZEFF

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Jacob Kompaneizeff (known as Jacques Companeez), 59, rue Spontini, Paris 16, France, Claim No. 43835; $1,455.98 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to "Eight Hundred Convicts March on Caraibo," as listed in Exhibit A to Vesting Order No. 3552 (9 F. R. 6464, June 13, 1944), to the extent owned by Jacob Kompaneizeff (known as Jacques Companeez) immediately prior to the vesting thereof by Vesting Order 3552.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-10634; Filed, Dec. 22, 1953; 8:50 a. m.]

OLAV TRYGVE THEODORSEN

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Olav Trygve Theodorsen, Oslo, Norway, Claim No. 36834; Property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,100,415.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-10638; Filed, Dec. 22, 1953; 8:50 a. m.]

JOHN MONTAGU ORCZY-BARSTOW

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

John Montagu Orczy-Barstow, 21-A Porchester Terrace, London, W. 2, England, Claim No. 57965; $3,038.65 in the Treasury of the United States. All right, title, interest and claim of whatsoever kind or nature in and to every copyright, claim of copyright, license, agreement, privilege, power and

every right of whatsoever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue, relating to the works described below, as listed in Exhibit A to Vesting Order No. 3430 (9 F. R. 6464, June 13, 1944), to the extent owned by Emmuska Barstow (Baroness Orczy) immediately prior to the vesting thereof by Vesting Order No. 3430: "The Scarlet Pimpernel," "A Spy of Napoleon," "The Turbulent Duchess," "The Uncrowned King," and "The Way of the Scarlet Pimpernel."

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-10636; Filed, Dec. 22, 1953; 8:50 a. m.]

ANFINN REFSDAL

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Anfinn Refsdal, Lilleaker per Oslo, Norway, Claim No. 37389, Property described in Vesting Order No. 672 (8 F. R. 5020, April 17, 1943) relating to United States Letters Patent No. 2,183,171.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-10637; Filed, Dec. 22, 1953; 8:50 a. m.]

ELISA VIALE OLIVA ET AL.

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Elisa Viale Oliva, Bice Viale Carisio and Giorgio Viale, Genoa, Italy, Claim No. 39728; Alfonso Bandettini di Poggio, Ubaldo Bandettini di Poggio and Adolfo Bandettini di Poggio, Genoa, Italy, Claim No. 40646; $629.16 in the Treasury of the United States; to Elisa Viale Oliva, Bice Viale Carisio, Giorgio Viale, Alfonso Bandettini di Poggio, Ubaldo Bandettini di Poggio and Adolfo Bandettini di Poggio.

Stock in the De Nobili Cigar Company, a New York corporation, consisting of 126 shares, third preferred capital stock, par value $25, Certificate No. 230, and 71 shares, common capital stock, par value $50 per share, Certificate No. 181, presently in custody of Safekeeping Department, Federal Reserve Bank of New York, at New York City:

90 shares, third preferred capital stock and 50 shares, common capital stock to Elisa Viale Oliva, Bice Viale Carisio and Giorgio Viale;

36 shares, third preferred capital stock and 21 shares, common capital stock to Alfonso Bandettini di Poggio, Ubaldo Bandettini di Poggio and Adolfo Bandettini di Poggio in equal shares.

Executed at Washington, D. C., on December 16, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-10635; Filed, Dec. 22, 1953; 8:50 a. m.]